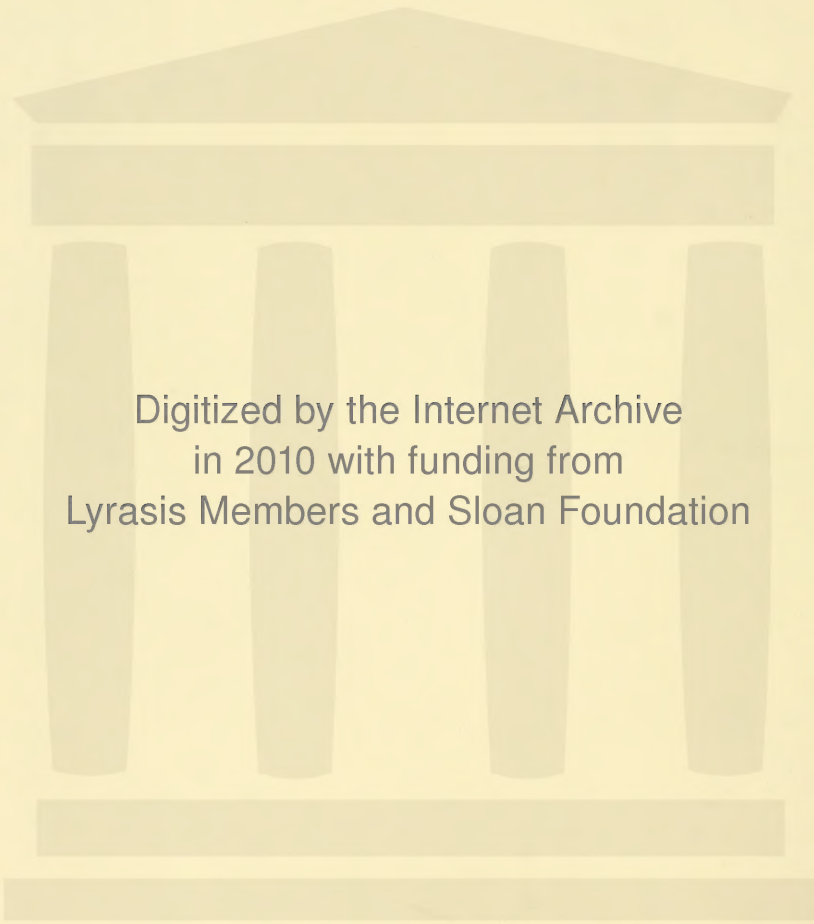
SWEET BRIAR COLLEGE
3 2449 0319373 5



Digitized by the Internet Archive
in 2010 with funding from
Lyrasis Members and Sloan Foundation

http://www.archive.org/details/freepressversusf00bask

Free Press Versus Fair Trial:
The Circumvention of the Sixth Amendment

Dawn M. Baskin

A Thesis Presented to the Government Faculty of Sweet Briar College

"Honors"

Barbara A. Perry

Margaret Hunter

Henry J. Abraham

Dedicated, With Love,
To The Memory of
Harris Baskin, Sr.

Table of Contents

I.	Introduction	page 1.
II.	History of Bar-Press Conflict	page 5.
III.	The Reardon Report, The Medina Report, The Twentieth Century Fund Report	page 19.
IV.	Constitutional Aspects	page 49.
V.	Cases From Atlanta	page 73.
VI.	Resolutions & Recommendations	page 96.
VII.	Bibliography	page 115.
VIII.	Appendix	page 124.

Reardon Report
State Codes
Julie Love Case
James Caldwell Case
Kenny Hardwick Case
Fredric Tokars Case

Chapter I
Introduction

"Democratic institutions awaken and flatter the passion for equality without ever being able to satisfy it entirely."[1] Decades before mass communication would revolutionize the interpretation of the Constitution of the United States, a French native identified the inherent problem of American democracy. A century and a half after the above observations, Henry J. Abraham decreed that the conflict had yet to be resolved.

> It is easy to state the need for a line between individual rights and the rights of the community, but how, where, and when it is to be drawn are questions that will never be resolved to the satisfaction of the entire community. Liberty and order are difficult to reconcile, particularly in a democratic society such as ours. We must have both, but a happy balance is not easy to maintain.[2]

Of the entire United States Constitution, Americans are arguably most familiar with the First Amendment and its protections of basic civil liberties. Indeed, most Americans would list the freedom of speech or the freedom of the press as the most important of the Bill of Rights. Unfortunately, one right cannot be declared to be more important than those rights declared its equal. "Under the law there is no priority listing among the first ten amendments. Freedom of the press, as guaranteed in the First Amendment is no more or less

---

[1] Alexis de Tocqueville. Democracy in America. Mayer, J.P ed. George Lawrence, trans. New York: Harper & Row Publishers, 1969.

[2] Henry J. Abraham. Freedom and the Court. New York: Oxford University Press , 1967, p. 3.

important than the guarantee of a fair trial, covered by the Sixth Amendment."[3] The authors of the Constitution, however, could not have envisioned the technological revolution that has occurred in the last century. Therefore, they could not have foreseen the constitutional questions and battles that have resulted from the rise of mass communication.

In isolation from historical context, the First and Sixth Amendments do not appear to overlap and a constitutional debate does not seem necessary. In fact, one scholar has suggested that the two amendments even reinforce each other by their structure and the intent of the framers of the Constitution. "When the press performs properly, it helps to promote the right of due process. And on their side, the courts are the means of upholding and implementing the rights of a free press."[4] However, with the advent of mass subscription newspapers, radio, and television, the constitutional lines have been blurred and new lines for a battle have been drawn. The North Carolina Law Review describes the conflict that has arisen between the First Amendment's protection of the press and the Sixth Amendment's protection of a fair and impartial trial.

> Free press - fair trial stands at the intersection of the First amendment and criminal procedure. The substantive problems of reconciling the incongruous constitutional interests create a "civil libertarian's nightmare."[5] Those who would disclose public business to the public are normally protected from state interference. The rights of the media to publish and the public

---

[3] Kenneth Devol. Mass Media and the Supreme Court. New York: Communication Art Books, 1971.

[4] John Lofton. Justice and the Press. Boston: Beacon Press, 1966, p xii.

[5] Hentoff. "Civil Libertarian's Nightmare: Free Press Fair Trial," Civil Liberties, February, 1973, at 4.

> to receive full reports of criminal proceedings may, however, encroach upon the rights of the litigants. The media may express opinions, reach conclusions and publish facts which are inadmissible at trial or which stir group hostilities. When this occurs, a fair trial may be difficult or impossible since a jury or potential jury may have been improperly influenced. Thus some limit on disseminating information about criminal trials is considered necessary.[6]

Though the two constitutional guarantees have conflicted throughout the entire political history of our nation, "the problem has come into particularly sharp focus since the dawning of our modern age of omnipresent mass media."[7] According to those advocating the "fair trial" side of the debate, "the dangerous initiative that newspapers have taken in judgment and convicting out of court is journalistic lynch law. It is mob murder or mob acquittal in all but the overt act."[8] "Most American television stations reproduce all night long what a Roman could only have seen in the Coliseum during the reign of Nero."[9] Obviously, the tension between free press and fair trial rights is ripe for exploration.

Beyond the conflict, this thesis will prove that there is a pattern of circumvention by the printed press of the Sixth Amendment's guarantee of a fair and impartial trial. With investigative reporting that is unparalleled and

---

[6] Douglas Rendlemann. "Free Press - Fair Trial: Review of Silence Orders," North Carolina Law Review. Vol 52. November, 1973, p. 127.

[7] Samuel G. Riley. The Free press - Fair Trial Controversy: A Discussion of the Issues Involved and An Examination of Pretrial Publicity by Survey Research. Ph.D. Dissertation, University of North Carolina at Chapel Hill, 1970.

[8] Chicago Tribune, 1924 quoted in Donald Gilmore. Trial by Newspaper. Washington, D.C.: Public Affairs Press, 1966, p. 44.

[9] George Fauldy. Quoted in William L. Rivers and Cleve Matthews. Ethics for the Media. New Jersey: Prentice Hall, 1988, p. 207.

unprecedented, print journalists have become self-appointed police officers. With newspapers' defense or prosecution of individuals accused of crimes, the print medium has willingly embraced the role of advocate. Finally, with reporters fostering public perception of guilt or innocence long before any trial reaches the deliberation stage, the printed press now acts as judge and jury.

This thesis focuses on the practical application of two constitutional guarantees and the impractical dichotomy that has arisen between them. The free press versus fair trial debate can be fought at the theoretical level in the highest court of the land; however, the actual rights of individual citizens may be circumvented during the debate. This study will outline the history of the bar and press conflict beginning with the Lindbergh kidnapping case through the Warren Report following the assassination of President John F. Kennedy. Relying on the recommendations of the Warren Report and the Reardon, Medina, and American Society of Newspaper Editors Reports, this thesis examines the recent history of attempted bar and press resolutions to the free press - fair trial conflict. The thesis then explores the constitutional aspects of this debate. Thus, Chapter Four discusses the First, Sixth, and Fourteenth Amendments and the cases that brought the conflict to the attention of the U.S. Supreme Court. Description of trials from the Atlanta metropolitan area in Georgia, which serve as representative cases of where the free press - fair trial conflict has arisen, follow in the fifth chapter. The actual newspaper articles will be presented in full in the appendix to this thesis. In addition, the study identifies the constitutional issues raised at the local level. Finally, this thesis presents recommendations for the resolution of the conflict.

Chapter II
History of the Press- Bar Conflict

Andrew Sherriff, the Chairman of the American Bar Association's Press-Bar Committee, stated in addressing the American Society of Newspaper Editors in 1930 that the popular election of judges led to the ". . . deplorable fact . . . that there has been too often an appetite on the bench itself for sensational publicity. In these cases . . . it is for conscientious press to regulate the desires of the judge."[1] Sheriff continued his appeal that the motivations behind the prosecution and the defense also be understood by the press. "[H]e suggested that reporters could . . . pay less attention to the outside utterances of partisan prosecutors, and lawyers on one side or the other of cases in court. Their opinions and predictions are naturally biased, their statements of fact are likely to be colored . . . ."[2] Though the need for resolution of the issues was apparent five years before the Hauptmann trial in 1935, discussion of the issues was postponed until 1936. The Lindbergh baby kidnapping and the ensuing trial are "generally named as the event[s] which gave impetus to the ban-the-the-photographer movement, a brief look at the conduct of members of the press and the bar is in order."[3]

The description of the defendant at trial was closer to fiction than journalism.

---

[1] American Society of Newspaper Editors. Problems of Journalism. Vol 8. New York: American Society of Newspaper Editors, 1930, p. 120.

[2] *Ibid*, p. 127.

[3] Robert George Kingsley. An Historical Study of Cooperation Between Press and Bar Associations: Thesis , University of Missouri, 1967. p. 17.

> On the stand he [Bruno Hauptmann] seemed completely devoid of human characteristics, his face botched, his mouth sagged, his eyes avoided all other eyes that stared at him. He made senseless denials. He laughed pointlessly. I found myself thinking that the creature must be insane, and then I began wondering if this too were not a carefully calculated pose, if, when a point came when there was no answer. . . Hauptmann would not leap and scream and rave, posing as an out and out madman.[4]

This is an example of the "objective" reporting surrounding the trial of the Lindbergh kidnapping. On the morning of March 1, 1932, Charles Lindbergh, Jr., during an attempted kidnapping, was struck on the skull and killed. The small baby was buried in the woods behind his parents' house. The sensationalism surrounding the kidnaping and murder focused on the famous parents, Charles and Anne Lindbergh, and their pathetic plight into tragedy. The country screamed for justice. "More than 700 newsmen and 130 photographers crowded the tiny town of Flemington, New Jersey, and the mere curios sometimes reached 20,000 in a single day."[5] Ultimately, Bruno Hauptmann was arrested, tried, and executed. Newspaper headlines declaring the public sentiment of Hauptmann's guilt "titillated readers long before the trial began."[6] The Lindbergh trial was the first that prompted debate about the intense influence of newspaper and radio reporting of the pre-trial and trial activities. "When the police found ransom money on Bruno Hauptmann . . . and arrested him for murdering and kidnapping the Lindbergh baby, the press seized on this and would not be appeased until Hauptmann was convicted and

---

[4] Kennedy Ludovic. The Airman and the Carpenter. New York: Viking, 1985, p. 204.

[5] Donald Gilmore. Free Press and Fair Trial. Washington, D.C.: Public Affairs Press, 1966, p. 44.

[6] *Ibid*, p. 44.

executed, a series of events that it helped bring about."[7] Reporters violated every possible code of journalistic ethics and the law in their pursuit of fresh leads in the Lindbergh case. "They routinely resorted to breaking and entering, planting evidence, photographing it, stealing pictures, and so on."[8] The trial was a farce because the press of the United States and England had already tried and convicted the German immigrant of the crime. The jurors claimed to be impartial and objective; the jurors were even sequestered. Nevertheless, "jurors were quartered in the same hotel as many of the commentators, who during breakfast each day referred to Hauptmann as the 'Nazi monster' and the 'baby killer.'"[9]

An editorial published in Editor and Publisher three days after the guilty verdict called attention to the mockery of the judicial system that had been made.

> No trial in this century has so degraded the administration of justice, nor so completely revealed the fragility of some of the law's prominent pillars. Newspapers will not escape criticism for their part in the spectacle, but it is our conviction that the press, with few exceptions, was the victim of a vicious propaganda system that has finally wriggled itself into the halls of justice. . . . The whole exhibition calls for action by decent members of the bench and bar, for upon their shoulders rests the responsibility for the conduct of the judicial process.[10]

A year after the execution of Hauptmann on less than convincing evidence,

---

[7] Roy Edward Lotz. Crime and the American Press. New York: Praegar Series, 1991, p. 122.

[8] *Ibid*, p. 122.

[9] *Ibid*, p. 123.

[10] "Hippodroming," Editor & Publisher. February 16, 1935, p. 24.

a joint panel of attorneys from the American Bar Association and newsmen from the American Newspaper Association and the American Society of Newspaper Editors reviewed the kidnapping case. The panel declared: "The trial of Bruno Richard Hauptmann . . . exhibited, perhaps, the most spectacular and depressing example of improper publicity and professional misconduct ever presented to the people of the United States in a criminal trial."[11] Walter Lippmann, writing for the American Society of Newspaper Editors, defended the press in the Hauptmann trial by suggesting five areas of specific judicial fault in pre-trial and trial activities, including

> 1. That the police published and commented on the evidence before the trial,
>
> 2. That the officers of the court did not provide an orderly courtroom for the trial,
>
> 3. That no effective action was taken by officers of the court against spectators and reporters who took a hand in the trial,
>
> 4. That the attorneys on both sides by their public statements violated No. 20 of the Canons of Ethics of the American Bar Association, [and]
>
> 5. That the governor, acting in a quasi-judicial capacity, made ex parte statements to the press.
>
> Added Lippmann:
>
> . . . without the connivance of the regular officers of the law the intolerable abuses of publicity would have been reduced to manageable proportions. It is, therefore, upon the officers of the law that we must place the primary responsibility for effective

[11] American Bar Association, "Report of Special Committee on Cooperation Between Press, Radio and Bar," ABA Annual Report, vol 62, 1937. p. 861.

action which will prevent a repetition of these abuses in the future.[12]

From the point of view of the press, it was the legal community that was responsible for the judicial fiasco in New Jersey. If the attorneys, police, and the governor had not made statements, the trial would have been fair. The press was unwilling to assume any responsibility, but the press did not have to print the information that was given to them. In fact, the Bar, five years beforehand, had warned of the danger of elected judges. Even with the tremendous activity and recommendations surrounding the effort to reform the bench-bar-press relationship, the review of the trial only gave rise to Canon 35 of the American Bar Association's Canon of Professional Ethics, which addressed the improper publicizing of court proceedings as follows:

> Proceedings in court should be conducted with fitting dignity and decorum. The taking of photographs in the courtroom during session of the court or recesses between sessions, and the broadcasting of court proceedings are calculated to detract from the essential dignity of the proceedings, degrade the court and create misconceptions with respect thereto in the mind of the public and should not be permitted.[13]

The press reacted with horror and dismay at the limitation of their constitutional rights. "The use of the camera, and even the microphone, is merely a modern extension of the ancient right of public trial."[14] Canon 35,

---

[12] Walter Lippmann. "The Lindbergh Case and Its Relations to American Newspapers," Problems of Journalism. New York: American Society of Newspaper Editors, 1936, p. 157.

[13] American Bar Association. Judicial Canon 35: Conduct of Court Proceedings. Chicago: American Bar Association, May, 1958.

[14] American Society of Newspaper Editors. Problems of Journalism. New York: American Society of Newspaper Editors, 1958, p. 20.

however, was simply an extension of already existing Canons 5 and 20 in the Canons of Professional Ethics, Rules of Civil Procedure. It should be recognized that the problems that plagued the Lindbergh case, and many cases in the interim between Canon 35 and the Reardon Report, could have been avoided had Canons 5 and 20 been vigorously and completely enforced. Canon 5 declared that:

> It is the right of the lawyer to undertake the defense of a person accused of crime, regardless of his personal opinion as to the guilt of the accused; otherwise, innocent person, victims only of suspicious circumstances, might be denied proper defense. Having undertaken such defense, the lawyer is bound, by all fair and honorable means, to present every defense that the law of the land permit, to the end that no person may be deprived of life or liberty, but by due process of law.
>
> The primary duty of a lawyer engaged in public prosecution is not to convict, but to see that justice is done. The suppression of facts or the secreting of witnesses capable of establishing the innocence of the accused is highly reprehensible.[15]

Canon 20 states:

> Newspaper publications by a lawyer as to pending or anticipated litigation may interfere with a fair trial in the Courts and otherwise prejudice the due administration of justice.
>
> Generally they are to be condemned. If the extreme circumstances of a particular case justify a statement to the public, it is unprofessional to make anonymously. An *ex*

[15] American Bar Association. Canons of Professional Ethics, Rules for Civil Procedure. Chicago: Matindale-Hubbell, Inc., 1966.

parte reference to the facts should not go beyond quotation from the records and papers on file in the court; but even in extreme cases it is better to avoid any *ex parte* statement.[16]

Hindsight being 20/20, cooperation and reconciliation between the press and the bar were quickly recommended at that time; however, little was attempted and even less was accomplished. In fact, press freedom enjoyed a period of "unbroken expansion" and became a member of "the establishment."[17] The fair-trial-versus-free-press issue was put to rest with little additional attention -- until November 22, 1963.

The assassination of President John F. Kennedy on November 22, 1963, produced the eight-hundred-and-eighty-eight page Warren Commission report, which addressed virtually every aspect of this historical act of violence. Less than one percent of the entire document questioned whether Lee Harvey Oswald, had he survived, would have received a fair trial; however, this was enough to awaken the sleeping debate between society's need for a free press and the individual's right to a fair trial, no matter how horrible the crime.

The American Civil Liberties Union announced two weeks after the assassination of President Kennedy that "had Lee Harvey Oswald lived, he would have been deprived of all opportunity for a fair trial due to the conduct of police and prosecuting officials in Dallas, under pressure from the public and news media."[18] The ACLU argued that

[f]rom the moment of his arrest until his murder two days later . . .

---

[16] *Ibid.*

[17] Alan Barth. Rights in Conflict: Report of The Twentieth Century Fund Task Force on Justice, Publicity, and the First Amendment. New York: McGraw-Hill Book Company, 1976, p. 103.

[18] Statement of the American Civil Liberties Union, "Civil Liberties Aspects of the Lee Harvey Oswald Case, and Developments Arising Out of the Assassination of President Kennedy," December 6, 1963, *passim*.

> Oswald was repeatedly tried and convicted in the newspapers, on radio and television by the public statements of Dallas law enforcement officials. As the investigation uncovered one piece of evidence after another, the results were immediately relayed to the public. Oswald's guilt was stated without qualification. The cumulative effect of these public pronouncements was to imprint indelibly on the public mind the conclusion that Oswald was indeed the slayer. Where in Dallas or anywhere else in the country, asked the ACLU, could there be found twelve citizens who had not formed a firm and fixed opinion that he was guilty?[19]

Dallas officials and press representatives defended their actions by declaring that this particular crime required every bit of information to be disseminated to the public because it has a right to know. Press representatives declared that they had prevented mass hysteria by keeping the public informed. The St. Louis Post-Dispatch defended the press in an editorial which stated that "reporters had a duty to wring every drop of information that they could out of the police. The police had a corresponding duty to No if press and television coverage endangered their investigation or the safety of their prisoner. Nobody said No." [20] The Warren Commission disagreed with this defense and argued that

> [a]s a result [of the police department's policy allowing news representatives in the working quarters of the police and court buildings] the press was able to publicize virtually all of the information about the case which had been gathered until that

[19] Gilmore, p. 16.

[20] St. Louis Post-Dispatch, October 5, 1964.

time. In the process, a great deal of misinformation was disseminated to a worldwide audience.[21]

Appendix XII to the Warren Report produces over one hundred false speculations and rumors that were printed and stated as fact in the nation's papers and televisions after the assassination. These speculations included theories about the source of the shots, associations of Lee Harvey Oswald, conspiratorial relationships, and the identity of the "true" assassins. "In their efforts to keep the public abreast of the investigation, the police reported hearsay items and unverified leads; further investigation proved many of these items to be incorrect or inaccurate."[22] Instead of calming the masses, the nation's papers and television stations spouted inflammatory and unsubstantiated theories of international intrigue and a communist plot to overthrow the government. "Most of the information was disclosed through informal oral statements or answers to questions at impromptu and clamorous press conferences in the third floor corridor [of the third floor of the police department]."[23] Attorneys had called the Dallas District Attorney's Office to question the prosecutor about how a defense was going to be possible with all the information being given to the public. The Director of the Federal Bureau of Investigation sent a personal message to Dallas Police Chief Curry, "requesting him 'not to go on the air any more until this case. . . [is] resolved.'"[24]

The Warren Commission continues its condemnation of the behavior of

---

[21] The Warren Commission. The Report of the President's Commission on the Assassination of President John F. Kennedy. Washington, D.C.: United States Government Printing Office, 1964, p. 231.

[22] *Ibid*, p. 235.

[23] *Ibid*, p. 231.

[24] 5 H 115-116; 15 H 58; CE 2072; cf. 15 H 129 (Curry). The Warren Commission, p. 236.

the legal authorities in Dallas:

> Neither the press not the public had a right to be contemporaneously informed by the police or prosecuting authorities of the details of the evidence being accumulated against Oswald. Undoubtedly the public was interested in these disclosures, but its curiosity should not have been satisfied at the expense of the accused's right to a trial by an impartial jury. The courtroom, not the newspaper or television screen, is the appropriate forum in our system for the trial of a man accused of a crime.
>
> If the evidence in the possession of the authorities had not been disclosed, it is true that the public would not have been in a position to assess the adequacy of the investigation or to apply pressures for further official undertakings. But a major consequence of the hasty and at the time inaccurate divulgence of evidence after the assassination was simply to give rise to groundless rumors and public confusion. Moreover, without learning the details of the case, the public could have been informed by the responsible authority of the general scope of the investigation and the extent to which State and Federal agencies were assisting in the police work.[25]

The Warren Commission stated that it was possible to satisfy both constitutional rights. It was not necessary to sacrifice Oswald's right to a fair trial in order to calm, or more often, incite the public. In an editorial in December of 1963, the New York Times boldly declared that "a trial is not meant to provide the public with recreation or the indignities of a national

[25] *Ibid*, p. 240.

show. . . . [W]hen these two duties conflict, we have no hesitation in saying that fair trial should take precedence over publicity."[26] In an accompanying editorial letter, seven Harvard University Law professors added their criticism of the constitutional "mess" in Dallas.

> Precisely because the President's assassination was the ultimate in defiance of law it called for the ultimate in vindication of law. The law enforcement agencies, in permitting virtually unlimited access to the news media, made this impossible. Not only would it have been virtually impossible to impanel a jury which had not formed its own views on those facts which might come before it, but much of the information released, such as statements by Mrs. Oswald, might have been legally inadmissible at trial.
>
> It is ironic that the very publicity which had already made it virtually impossible for Oswald to be tried and convicted by a jury meeting constitutional standards of impartiality should, in the end, have made such a trial unnecessary.
>
> We cannot comfort ourselves with the notion that this could happen only in Dallas. It is too frequently a feature of our process of criminal justice that it is regarded as a public carnival. And this reflects out general obsession that everybody has a right immediately to know and see everything, that reporters and TV cameras must be omnipresent, that justice must take a second place behind the public's immediate "right to be informed" about every detail of a crime. . . .

---

[26] New York Times, December 1, 1963.

> As long as we adhere to that notion, and as long as our legislatures and courts are unwilling to protect the processes of justice, we must recognize that the lamentable behavior of Dallas law enforcement agencies and of the communications media reflect a flaw in ourselves as a society.[27]

This editorial highlights several issues that would become the focus of contention in the free-press-versus-fair-trial debate. Does the public have a real, immediate "right to know?" Does the debate apply only to the minute number of sensational cases that come before the American judicial system? If the two constitutional rights are both protected, which one must give way so that other can be protected or should both fall outside protection? The Warren Commission and most of those who jumped on the bandwagon that chastised the law enforcement agencies in Dallas agreed that the public did have the right to know the progression of the investigation into the assassination of their young president. Yet the rights of the one who allegedly took that life were forgotten or simply disregarded. The wedge principle of ethics states that if it happens here, it will happen elsewhere. The threat to justice becomes more apparent if the shadow of the emotional state of the assassination is put aside and the constitutional issues are seen in the light.

> To prevent a recurrence of the unfortunate events which followed the assassination, however, more than general concern will be needed. The promulgation of a code of professional conduct governing representatives of all news media would be welcome evidence that the press profited by the lesson of Dallas.
>
> The burden of insuring that appropriate action is taken to establish ethical standards of conduct for the news media must

---

[27] New York Times, December 1, 1963.

> also be borne, however, by State and local governments, by the bar, and ultimately by the public. The experience in Dallas during November 22-24 is a dramatic affirmation of the need for steps to bring about a proper balance between the right of the public to be kept informed and the right of the individual to a fair and impartial trial.[28]

The Washington Post commented on the recommendation of the Warren Commission that resolutions be found between the individual right to a fair trial, the public's right to know, and freedom of the press.

> No doubt the bar and the media, with proper study, can improve the standards of collection and presentation of such news; but any system that would totally preclude some confusion in a crime of this kind no doubt would preclude the routine press coverage upon which citizens depend for the honest working of our law-enforcement agencies. To achieve the ideal functioning of officials, bar and press in an abnormal situation we must not sacrifice their proper functioning in normal times. The faults of officials, lawyers, and newsmen arising from an excessive zeal to get and print the facts are often, as in this case, disquieting. The flaws of a system devoid of that zeal might be even more alarming.[29]

The mood that surrounded the free press and fair trial debate at the time of the flurry of judiciary reform and assignment of blame on either side of the debate was zealous. In his book, Trial by Newspaper, Harold W. Sullivan writes a scathing and fierce condemnation of the procedure known judicially as

---

[28] The Warren Commission, p. 242.

[29] The Washington Post, September 29, 1964.

"contempt by publication." Ironically many of the reforms demanded in this text would later be suggested in the Reardon Report.

> The way to stop trial by newspaper is frightfully simple.
>
> Let the Attorney General of each state notify his staff, selected geographically, to scan daily the papers of their home counties for contempt by publications (the juridical nomenclature for trial by newspaper); to give these clippings to a designated assistant attorney general; to have the district attorneys of each county do likewise; and at once to institute contempt proceedings against the owners of the offending papers, that shred reputations to pieces, deny the double constitutional guarantees of a fair trial, all to the end that they may increase their circulation from one to two.[30]

The courts at each level of the judicial system, according to Sullivan, should inform their fellow justices in the use of the contempt citation and encourage them to use this in "respect to contempt committed in litigation pending before them, and thus present a united front by the Judiciary. . . ."[31] The power to strike the balance between the two battling constitutional rights lies with the Judiciary.

> It is evident by now, I think, that the press is not capable of reforming itself, for the good reason that it will not admit collectively that there is any need for reform. . . . Again, Gentlemen of the Judiciary: Do your sworn duty, and scotch the leprous evil of trial by Newspaper.[32]

---

[30] Harold W. Sullivan. Trial by Newspaper. Hyannis, Mass: The Patriot Press, 1961. p. 247

[31] *Ibid.*

[32] *Ibid.*

Chapter III
The Reardon Report, The Medina Report & The Twentieth Century Task Force Report

The American Bar Association (ABA) took seriously the Warren Commission's recommendation that the ABA "get its house in order." For twenty months, Paul Reardon, the Chief Justice of the Massachusetts Supreme Court, headed the Advisory Committee on Fair Trial and Free Press in association with the American Bar Association. The ABA charged the committee to "consider the impact of news reporting on the administration of criminal justice and to seek methods of preserving and strengthening the right to a fair trial without abridging freedom of speech and of the press."[1] The Committee believed that it was possible to reconcile the differences between the two constitutional rights without violating either.

> It is the conclusion of the Committee, based on many months of research and analysis, that certain steps can and should be taken which will materially assist in the achievement of this objective within the framework of the United States Constitution. We hold that there is an accommodation possible which will give full force to the guarantees of the First and Sixth amendments without simultaneously giving rise to conflicts

[1] Advisory Committee on Fair Trial and Free Press, the American Bar Association. Standards Relating to Fair Trial and Free Press. American Bar Association Project on Minimum Standards for Criminal Justice. American Bar Association, 1968, p. 1.

> that have in many quarters been deemed inevitable. It is our belief that this accommodation will be found principally in the adoption of limitations -- carefully defined as to content and timing -- on the release of information bearing on the apprehension and trial of criminal defendants by members of the bar and by law enforcement agencies, with appropriate remedies available when there is a showing that a fair trial has been jeopardized.[2]

The committee came to three separate conclusions about the context of the fair trial and free press debate. David L. Shapiro, the reporter for the American Bar Association, summed up the recommendations.

> First, the Committee concluded that there were a substantial number of cases, greater than is generally believed, in which the dissemination of information or opinion during the critical pretrial periods posed a significant threat to the fairness of the trial itself. . . . The principal source of information or opinion was not the media themselves but rather the attorneys in the case, and even more often, law enforcement officials. . . . The Committee's second conclusion was that there are substantial contributions that the news media can make and have made to the administration of criminal justice throughout every phase of its operation, from the exposure of corruption within and outside the government, to prevention of secret arrests and secret trials, to the uncovering of evidence . . . and to the outspoken criticism of the result and of the process by which the

[2] *Ibid*, p. 1.

> result is reached. . . . Finally, the Committee concluded that the remedy for the problems confronting it lay not in efforts to regulate the media but rather in a determined effort by the bench, bar, and the law enforcement branch to put their own houses in order.[3]

With this declaration, the committee focused its suggestions for reform upon the particular branches of the legal system from where the flow of information could be controlled without violating of the United States Constitution. "The conviction [was] that reasonable restrictions on disclosure of the kind of information [listed below] do not abridge First Amendment rights."[4] "The right of the media to publish what they see fit, if not absolute, is certainly a most fundamental part of our heritage. The right to compel disclosure of information or opinion, at a specific time, stands on very different footing."[5] The conduct and information of the police, attorneys, and judges would be controlled in order to assure a fair trial for all defendants. The justification for the extended concern and control of the bench and bar was that "[t]he focus of [this] concern should be much broader than the impact of the press on jurors, since the prejudicial influence of newspapers on justice obviously makes itself felt at all stages of the law enforcement process and undoubtedly affects policemen, witnesses, lawyers, and judges as well as jurors."[6]

Part I of the recommendations related to the conduct of attorneys in criminal cases. "These persons, through ill-timed public statements of personal

---

[3] David L. Shapiro. "Background and Development of the Recommendations of the ABA." Oklahoma Law Review. 1969, p. 128-129.

[4] Advisory Committee on Fair Trial and Free Press, pp. 81-82.

[5] Shapiro, p. 131.

[6] *Ibid*, p. 129.

opinion or matters that may turn out to be inaccurate, incomplete, or inadmissible in evidence may lead the community as a whole to prejudge the case in manner totally incompatible with the right possessed, even by the guilty, to a fair and impartial trial."[7] The first suggestion of the Committee was that there should be a revision of the Canons of Professional Ethics. Many of those that opposed the Committee's recommendations when they were published pointed out that the Canon of Ethics was already in place and it simply needed to be enforced. "The proposals with respect to attorneys were to be made effective through elaboration and enforcement of the existing canons of professional ethics."[8] The Reardon Committee, in part, agreed with this declaration; however, the Committee also decided that new technology and conflicts required supplemental standards. The revision of the Canons of Professional Ethics included the following standards:

> It is the duty of the lawyer not to release or authorize the release of information or opinion for dissemination by any means of public communication, in connection with pending or imminent criminal litigation with which he is associated, if there is a reasonable likelihood that such dissemination will interfere with a fair trial or otherwise prejudice the due administration of justice.[9]

The Reardon Report had judicial and legislative precedents to follow on the issue of the restriction of the sources of information at the federal level. The Supreme Court had addressed the constitutional and practical considerations in Allen v United States (1924, CA& Ind), in which it reasoned:

---

[7] *Ibid*, p. 128.

[8] *Ibid*, p. 130.

[9] Advisory Committee on Fair Trial and Free Press, p. 2.

> How the courts can or should meet the situation, constantly growing worse, where newspapers, hungry for sensational news, print prejudicial statements, often not remotely accurate, which may and generally do come under the observation of prospective jurors, is a serious question for those conducting the trial of criminal cases. Too frequently counsel for the government loan their evidence, or parts of it, to the press, and the case is first tried in the paper before action is begun in the courts. In doing so, the prosecutor makes a serious mistake, one that cannot be too severely condemned.[10]

The Judiciary Act of 1789 "gave the federal courts the power 'to punish by fine or imprisonment, at the discretion of said courts, all contempt of authority in any cause of hearing before the same. . . .'"[11] Congress "has provided legislation on the contempt powers of federal courts in the United States Code which provides:

> A court of the United States shall have power to punish by fine or imprisonment, at its discretion such contempt of its authority, and none other, as (1) misbehavior of any person in its presence or near thereto as to obstruct the administration of justice; (2) misbehavior of any of its officers in their official transactions; (3) disobedience or resistance to its lawful writ, process, order, rule decree, or command.[12]

The Reardon Report was not the only recommendation on the reformation of the Canons of Ethics for Civil Procedure. The Special Committee on Radio,

---

[10] Allen v. United States, (1924, CA7 Ind) 4 F2d 688, cert den 267 US 597, cert den 268 US 689, infra § 9[b].

[11] Judiciary Act of 1789, sec 17, 1 Stat. 83. Quoted in Parker, p. 54.

[12] 18 United States Code sec. 401 (1958). Quoted in Parker, p. 54.

Television and the Administration of Justice of the Association of the Bar of the City of New York, also known as the Medina Report, commented at length about the ineffectiveness of the Canons to deter any attorneys from disseminating irresponsible statements.

> What makes the ABA Canon 20 of dubious value in curbing this abuse is that it is only applicable to newspaper discussion of pending litigation "generally" and publicity is allowed "in extreme circumstances." Thus these are exceptions, but what the exceptions mean would seem to be left to the imagination or judgment of the lawyer who resorts to the public forum. Moreover, violations of the spirit of Canon 20 have continued unpunished for so many years as to make court proceedings of questionable effect unless Canon 20 is drastically amended.[13]

"One judicial observer commented that adoption of limitations on the timing of crime reporting by official sources would tend to minimize the competitive pressure to publicize matters that should not have been officially disclosed in the First place."[14] The specific information that could be given to the press, and in turn to the public, was listed. The Reardon Committee recommended that from the time of arrest through the sentencing of a convicted defendant, only pertinent information or public information given out to the press by any member of the bar. Six prejudicial and contemptible categories were listed.

(1) The prior criminal record (including arrests, indictments, or

---

[13] Special Committee on Radio, Television and the Administration of Justice of the Association of the Bar of the City of New York. Freedom of the Press and Fair Trial. New York: Columbia University Press, 1967, supra note 5, p. 18.

[14] Shapiro, p. 132.

other charges of crime), or the character or reputation of the defendant, except that the lawyer may make a factual statement of the defendant's name, age, residence, occupation, and family status, and if the defendant has not been apprehended, may release any information necessary to aid in his apprehension or to warn the public of any dangers he may present;

(2) The existence or contents of any confession, admission, or statement given by the defendant, or the refusal or failure of the defendant to make any statement;

(3) The performance of any examinations or tests or the defendant's refusal or failure to submit to an examination or test;

(4) The identity, testimony, or credibility of prospective witnesses, except that the lawyer may announce the identity of the victim if the announcement is not otherwise prohibited by law;

(5) The possibility of a plea of guilty to the offense charged or a lesser offense;

(6) The defendant's guilt or innocence or other matters relating to the merits of the case or the evidence in the case, except that the lawyer may announce the circumstances of arrest, including time and place of arrest, resistance, pursuit, and use of weapons; may announce the identity of the investigating and arresting officer or agency and the length of the investigation; may make an announcement, at the time of seizure, describing any evidence seized; may disclose the nature, substance, or text

> of the charge, including a brief description of the offense charged; may quote from or refer without comment to public records of the court in the case; may announce the scheduling or result of any stage in the judicial process; may request assistance in obtaining evidence; and, on behalf of his client, may announce without further comment that the client denies the charges made against him.[15]

The second part of the recommendations relates to the conduct of law enforcement officers and judicial employees in criminal cases. The same restrictions on the release of information applies. In addition to the above, "[t]he Committee decided that the proposed regulations be adopted internally by these agencies and that only if these efforts fail should steps be taken to implement certain of the proposals by rule of court or by legislation."[16] The references are similar to the violations listed in the Warren Report: "a regulation prohibiting (i) the posing of a person in custody for photographing or televising by representatives of the news media. . . ."[17] This is a direct reference to the condemned impromptu photo opportunities of Lee Harvey Oswald given to the press by the Dallas police department after his arrest. That same police department conducted a midnight press conference with a dazed and sleepless Oswald displayed before the press. This, too, is prohibited specifically in the Reardon Report. The mockery of the judicial system and its appearance as a three-ring circus was taken to heart by this Committee and "a regulation providing for the enforcement of the foregoing by the imposition of appropriate disciplinary sanctions" was incorporated into the Report.[18]

---

[15] Advisory Committee on Fair Trial and Free Press, p. 4.

[16] *Ibid*, p. 348.

[17] *Ibid*, p. 7.

[18] *Ibid*, p. 7.

The third part of the Reardon Report related to the conduct of judicial proceedings in criminal cases.

> The courts and the legal profession have gone to great lengths in order to preserve public confidence in the judicial system. Jurors free from bias and prejudice are sought; once impaneled, they are reminded that they must decide the case solely upon the evidence presented and the arguments heard in the court. That evidence is screened by the judge to make certain that nothing unduly influences the jury in deciding the guilt or innocence of the defendant. Further, so that the criminal process may proceed quietly and without "fan-fare," it is necessary that the utmost precautions be taken to keep all extraneous influences from affecting the criminal proceeding.[19]

"Any judge who has sat with juries knows that, in spite of forms, they are extremely likely to be impregnated by the environing atmosphere."[20] The Committee submitted a motion to allow that pretrial activities be closed to the public by the defendant's request. Change of venue, waiver of jury, and even the setting aside of the verdict are also listed as possible remedies for pretrial or trial publicity; however, all of these remedies are after the fact. "The present application of procedural rules and the existing penalties for the leaking of prejudicial information do not deter the injunction of prejudicial information into the trial nor do they significantly reduce its impact."[21] The present remedies are just that, remedies. "Even if these procedural tools were utilized,

---

[19] S. Zagri. Free Press, Fair Trial 4. 1966. Quoted in Atkinson, Elliot W. "Free Press v. Fair Trial: Insulation Against Injustice," Louisiana Law Review ABA Minimum Standards Vol 33, Summer 1973, p. 548.

[20] Oliver Wendell Holmes in Shapiro, p. 128.

[21] Lawrence Schad. "The News and the Accused," Prospectus. Vol. 3, December, 1969, p. 101.

they would not eliminate the dissemination of prejudicial information because they are designed to ameliorate the effects of such information and not to control the sources of such information."[22] Even recommendations for the use of rarely applied remedies are tempered with the possibility of ineffectiveness.

> One pretrial procedure which has been used rather infrequently is a motion for a change of venire. This motion, which enables the defendant to be tried by a jury which is brought in from outside the area of the trial is available in various jurisdictions, but even if it is granted, the jurors may become prejudiced against the defendant as a result of pressure and hostility surrounding them at the trial.[23]

These *post hoc* attempts at prevention are doomed by their very nature. "[J]udicial remedies such as change of venue, continuance, and more careful screening of jurors are of great value but are not sufficient in themselves to do the job."[24]

Media codes were often referred to in defense of the press and their performances. However, "media codes are inherently inadequate devices to curb dissemination of prejudicial information."[25] The question of whether or not all the media organizations participation in the voluntary codes, the actual definition of that which is prejudicial, and the continual support of those organizations haunt these "codes."[26] "The Fourth Estate stands foursquare

---

[22] *Ibid*, p. 102

[23] Rideau v. Louisiana 10 L. ed. 2d. 663 Annotation at 1246.

[24] Advisory Committee on Fair Trial and Free Press, p. 75.

[25] Schad, p. 105.

[26] *Ibid*.

for codes of ethics. it says in effect, 'We can police ourselves.' Anything beyond this is said to be the beginning of the end of freedom of the press, and when freedom of the press goes, our other freedoms go with it."[27] "Journalistic codes of ethics are all moonshine. Essentially, they are as absurd as would be codes of streetcar conductors, barbers, or public jobholders. [I]t [ethical control of publication] must be accomplished by external forces, and through the medium of penalties externally inflicted."[28] The idea of asking the press to regulate themselves, even though they as a group have failed to do so for so many years, seems futile as a means of control. [29]

The final part of the Reardon Report involves recommendations relating to the limited exercise of the contempt power.

> The use of the contempt power against persons who disseminate information by means of public communication, or who make statements for dissemination, can in certain circumstances raise grave constitutional questions. Apart from these questions, indiscriminate use of that power can cause unnecessary friction and stifle desirable discussion. On the other hand, it is essential that deliberate action constituting a serious threat to a fair trial not go unpunished and that valid court orders be obeyed. It is therefore recommended that the contempt power should be used only with considerable caution but should be exercised in at least the following instances, in addition to those specified in sections 1.3, 2.1, and 2.3, above:
>
> (a) Against a person who, knowing that a criminal trial by jury

[27] Felsher, p. 222.

[28] H. L. Mencken. Quoted in Boicourt, M. "Pretrial Publicity," Missouri Law Review. Vol 34. Fall 1969. Columbia: School of Law, University of Missouri-Columbia, p. 553.

[29] Schad, p. 106.

is in progress or that a jury is being selected for such a trial:

(i) disseminates by any means of public communication an extrajudicial statement relating to the defendant or to the issues in the case that goes beyond the public record or the court in the case, if the statement is reasonably calculated to affect the outcome of the trial and seriously threaten to have such an effect; or

(ii) makes such a statement with the expectations that it will be so disseminated.

(b) Against a person who knowingly violates a valid judicial order not to disseminate until completion of the trial or disposition without trial, specified information referred to in the course of a judicial hearing from which the public is excluded under sections 3.1 or 35(d) of these recommendations.[30]

Shapiro emphasizes the reference to and explores the grey area involved with the statement "the *threat* to a fair trial."[31] The Committee understood and recognized the speculative aspect of this section. "We do not know, and perhaps we can never know, just how exposure to potentially prejudicial material affects the outlook of every attorney, judge, witness, and juror, and further research along these lines . . . would appear to be feasible and desirable."[32] The above provision for contempt citations would also include within its realm newspaper and mass media representatives. "Freedom of the press does not mean omnipresence of the press and, I [Federal Judge Hubert Will] hope, never will. Big Brother, whether the government or the press, is

[30] Advisory Committee on Fair Trial and Free Press, p. 14

[31] Shapiro, p. 128.

[32] *Ibid*, p. 128

incompatible with individual freedom."[33] "After all, what the newspapers are being asked to do is simply to delay the publications of details until a trial takes place."[34] The press, however, declared that any attempt to impose restrictions of any kind would be a form of prevention of publication.

> It must . . . be recognized that publication delayed is publication denied and that prohibition of the release of information at the time, and the only time, that such information constitutes news is a significant restraint upon a free press. . . .[35] Freedom to speak and to write about public questions is as important to the life of our government as is the heart of the human body. In fact, this privilege is the heart of our government. If that heart be weakened, the result is debilitation; if it be stilled, the result is death.[36]

Though direct sanctions against the press were never specifically written or ever implemented, there was judicial precedent for media censoring within legal procedure for the Reardon Committee to consider. In Patterson v. Colorado, 205 U.S. 454 (1907) a newspaper ran charges that the Colorado Supreme Court was politically motivated while litigation was pending. "The United States Supreme Court held that the state court had the power to punish publications which it regarded as tending to interfere with the administration

---

[33] Hubert Will. "Crime and Coverage," The New Republic, Sept 2, 1967, p. 34.

[34] Louis Nizer. "Headlines vs Justice: Can We Have A Fair and Free Press at the Same Time?" Beverly Hills Bar Journal. Vol 2. No. 9, October, 1969, p. 23.

[35] Robert C. Lobedell, Chief Counsel for the Los Angeles Times, Speech delivered before the Legislation and Administration of Justice Section of Town Hall, May 23, 1967. Quoted in Shoemaker, Thaddeus. Constitutional Conflict: Free Press-Fair Trial: A Problem in Democratic Theory. Sacramento: California State University, 1972. p. 101.

[36] Milk Wagon Drivers Unions v. Meadowmoor Dairies, 312 U.S. 287 (1941).

of justice."[37]

> Judges generally perhaps are less apprehensive that publications impugning their own reasoning or motive will interfere with their administration of the law. But if a court regards, as it may, a publication concerning a matter of law pending before it, as tending toward such interference, it may punish it as in the instance put. When a case is finished courts are subject to the same criticism as other people, but the propriety and necessity of preventing interference with the course of justice by premature statement, argument, or intimidation hardly ban be denied. [38]

The constitutional direction of the contempt citation has taken many turns since this precedent case and they will be discussed in Chapter Four. "It should be noted that three-fourths of the ABA standards in the free press-fair trial are suggestions for controls over the conduct of attorneys, law enforcement officers, judges and judicial employees as well as the judicial proceedings in criminal cases themselves, rather than sanctions against the media."[39] The Committee refused to make such recommendations because "(1) direct restraints on the press would probably be unconstitutional, (2) the Committee concluded that editorial prejudice was a minor aspect of the total problem, and (3) the Committee felt that the media were becoming increasingly aware of the danger of prejudicial information."[40]

Issues came to the forefront of the legal consciousness when the Reardon Report was added to the free-press-fair-trial debate. The role of the media had been defined and admired in the report; however, critics reported that the

---

[37] Patterson v. Colorado, 205 US 454 (1907). Quoted in Parker, p. 55.

[38] Parker, p. 55.

[39] Atkinson, p. 558.

[40] Schad, p. 109.

report would prevent the press from fulfilling its watchdog role.

> There is hardly a jurisdiction in this country in which newspapers in the last fifty years have not discovered violations of the rights of accused person in the period proceeding trial. Accused persons have been kept secretly arrested, held without access to counsel or without any warning as to their rights under the Fifth Amendment, searched without warrant, questioned improperly and otherwise maltreated. These conditions much more menace the rights of accused persons than pre-trial disclosures in the press. . . . Newspaper publicity is the best way of treating these abuses in order to keep them at a minimum.[41]

"They [the Reardon Committee] put a muzzle on the watchdog which serves as the proxy observer for all citizens in the courts. This is a greater hazard to justice than so called prejudicial publicity."[42] The constitutional questions of prior restraint and blatant censorship of the American press fueled the condemnation of the report by almost every major newspaper in the country. "This is the beginning of secret law enforcement. And this, along with even a slightly restricted press, raises the First stench of a police state."[43] One of the objections of the press was the possibility of secretive law enforcement. "The courts do conduct public business. They are not private preserves for judges and lawyers."[44] "Some [members of the media] would stress the point that the public has a certain right to know about crime and

---

[41] James Russell Wiggins quoted in Boicourt, p. 541.

[42] Clayton Kirkpatrick. "Free and Fair." Chicago Bar Record. Vol 50. December 1968, p. 140.

[43] "What Are the Pitfalls and Perils In the Bar's New Fair Trial Proposals?" The Bulletin of the American Society of Newspaper Editors, No. 502. New York: American Society of Newspaper Editors, November 1, 1966, p. 11. Quoted in Kingsley, p. 109

[44] Kirkpatrick, p. 140.

subsequent penalty procedures against those who violated our laws."[45] Other critics simply stated that the resolution would fail to do that which it intended.

> The rationale of such proposals [ABA] is obvious. If responsible members of the various levels of the judicial process refrain from releasing information to the press, then the press will not print or broadcast prejudicial information, and, therefore, the prospective juror will be impartial toward the defendant. In practice, however, it is doubtful that such a remedy would be effective. In all likelihood, what will result is that the material printed will be based upon inferior news sources. Such sources are often inaccurate and more prejudicial than official news releases might be.[46]

Others screamed about the unconstitutional infringement upon the greatest civil liberty that has been granted the American people. David Shapiro responded to the media's reaction of the Reardon Report's recommendations. "To classify the reaction of the media as 'overkill' is not, I think, an understatement."[47] In the media's view, the fall of American democracy was sure to follow if this report was allowed to be implemented.

> As an effort to assure that the houses of the bar and the bench were put in order . . . the report was good; but because it sought the restriction of information which the public should have regarding crime and criminal suspects during the early stages of the criminal process, it "invites bad law enforcement, or what is

---

[45] Boicourt, p. 540.

[46] *Ibid*, p. 559.

[47] Statement by David Shapiro expressed at the Kansas Bar Association's Symposium on Fair Trial – Free Press, Kansas City, Kansas, May 3, 1967. Quoted in Kingsley, p. 106.

worse secret law enforcement, and it could lead to a partially and improperly informed public at the time of serious crime. "[48]

The loudest objection of the press to the Reardon Report was the prior restraint argument. The press declared that the censoring of the lawyers and the police was an unconstitutional restriction upon them.

> Such restrictions would constitute selection of news, suppression of news, censorship of news, and all of this, not in the interest of what the public wants to know, needs to know and has a right to know on a common sense basis in an open society, but in the interest of legalistic rules which the public often can't understand or disagrees with.
>
> Therein, the Reardon Report represents a serious, if unintentional, assault on freedom of the press, and also the Constitutional guarantee of free speech, because it seeks to control the sources of the news, that is, the attorneys and law enforcement officers, in violation of the First Amendment. Putting prior restraint on news sources is equivalent to putting prior restraints on the press.[49]

The complaints of the press express a valid concern. It would be hypocritical of the bench and the bar to restrict a constitutional right in order to protect another.

The Reardon Report was not the only response to call for reform from the legal community. In 1965, the Special Committee of the Association of the Bar of the City of New York issued its Interim Report, the Radio, Television, and the Administration of Justice: A Documented Survey of Materials. At the time,

---

[48] "What Are the Pitfalls and Perils In the Bar's New Fair Trial Proposals?" The Bulletin of the American Society of Newspaper Editors, No. 502, p. 1. Quoted in Kingsley, p. 107.

[49] *Ibid*, p. 2. Quoted in Kingsley, p. 108.

the committee did not make any interpretations of the material or make conclusions based upon the data collected. In the Final Report, Freedom of the Press and Fair Trial, these interpretations and conclusions are made. "The general theme of this Final Report is to evaluate and state the steps that we think should be taken by the judicial establishment, understood as including the courts and the judges, the Bar and law enforcement agencies, state and federal, to put its own house in order."[50] The similarities between the Final Report of the Committee on Radio, Television, and the Administration of Justice does not differ drastically from the recommendations outlined in the Reardon Report.

> We have read with great interest the Reardon Report of the ABA Advisory Committee on Fair Trial and Free Press which we consider a major contribution to this subject. The differences between us are not nearly so significant as our basic agreements. Both committees recognize that it is important to work out proper restrictions on lawyers, the police, and others who may make statements that could affect the fairness of the trial. We recognize both the inherent power of judges at the trial to impose proper restrictions on conduct in the courtroom or the vicinity that might affect a fair trial and the power to impose controls on the participants of the trial. The differences between us affect only the means and methods to be used to attain the ends we both have in view.[51]

---

[50] The Special Committee on Radio, Television, and the Administration of Justice of the Association of the Bar of the City of New York. Freedom of the Press and Fair Trial: Final Report with Recommendations. New York: Columbia University Press, 1967.

[51] *Ibid*, p. 69.

The Final Report, like the Reardon Report, addresses the failings of the present, at that time, Canons for the American Bar Association. The Bar failed to enforce those restrictions and guidelines that were already in place. In addition, the Final Report suggests that new technology requires that the Canons be expanded.

> When loopholes in the above quoted canons are taken into consideration, it need cause no surprise to find that these canons have been ineffective. By an impartial survey of major metropolitan areas as well as small towns and cities, we have discovered what appears to be an almost total lack of enforcement of Canon 20. As far as we have been able to ascertain, not a single lawyer has been disbarred, suspended fro practice, or publicly censured for violation of Canon 20. . . . And yet the instances are legion, and well known to the public, in which prosecutors have leaked to the news media alleged confessions, statements that a case is "open and shut," and full details of evidence that has not yet been presented in court. Certain defense counsel have persisted in trying their cases in the press and over the radio and on television.[52]

The suggestion to the problem of the failings of the old Canon 20 was the recommendations of a new Canon 20. The Final Report declares that the Bar Association has within its realm of control the behavior listed out in the new Canon. "The Committee finds no legal or other obstacle to the formulation of ethical standards of conduct for lawyers, who are at all times officers of the court and subject to discipline for acts and statements detrimental to the fair and impartial administration of justice."[53] The Canon 20, in agreement with

---

[52] *Ibid*, p. 18.

the underlying principle of specificity and clear terms, would not make general references to preferred behavior. Specific circumstances were to be controlled. Specific statements would be prohibited. Specific people would be held accountable.

> A. It is unprofessional for a lawyer publicly to make, or sanction the publication or broadcast of, an out-of-court statement or disclosure of fact or opinion regarding a pending or anticipated civil action or proceeding or criminal prosecution. It is therefore the ethical responsibility of lawyers to refrain from the public issuance of statements or other disclosures relating to such action, proceeding, or prosecution, which concern:
>
> 1. The merits of the claims of a plaintiff or defendant in a civil action or proceeding, or the guilt or innocence of a defendant in a criminal prosecution;
> 2. The existence or contents of a party's confession, admission, or other pre-trial declaration;
> 3. Testimony or other evidence to be offered at trial;
> 4. Matters of fact bearing upon the cause, which will not be offered in evidence at trial;
> 5. The credibility or reliability of witnesses, or the probative force of other evidence offered or to be offered at trial;
> 6. Testimony or other evidence which has been excluded by the court;
> 7. The conduct, reputations or criminal record of any party or witness;

[53] *Ibid*, p. 24.

8. The rulings or decisions of the court during the litigation;

9. Any other matter which may tend to interfere with a fair trial, or may otherwise tend to prejudice the due administration of justice.

B. It is the duty of a lawyer engaged in a civil action or proceeding or a criminal prosecution to attempt to restrain his client and witnesses from making any out-of-court statement or disclosure of fact or opinion proscribed by this canon.

C. The foregoing, however, shall not be deemed to restrict the issuance of a brief statement by a layer concerning:

1. His client's intention to plead not guilty in a pending criminal prosecution, or to defend a pending civil action or proceeding;

2. The identity of the defendant in a pending criminal prosecution or the fact, the time and the place of his arrest, or the charge or charges against him;

3. The identity of the parties to a pending civil action or proceeding, the claim asserted and the amount in controversy.[54]

The report addresses the problem of the release of information by law enforcement agencies. The recognition of community pressures to provide a service that cannot always be delivered gave the Committee a rationale for police behavior. "Statements from police officials to the effect that the investigation continues with diligence and efficiency do little to satisfy the community's anxiety to know the specifics of the progress."[55] Success and the

[54] *Ibid*, p. 25-26.

[55] *Ibid*, p. 29.

self-crowning of police efforts serves more than any public relations effort. "To dispel these attitudes and to demonstrate their competence, law enforcement officials have disclosed many details of the case against the defendant, including eyewitness identification, fingerprint evidence, and his prior criminal record."[56] The recommendation of the adoption of a police code was the second part of the Final Report.

> We recognize that the adoption of a police code cannot be a cure-all for the improper release and publication of prejudicial matters. Many items which we recommend be barred from release by police may be in the public domain or otherwise readily available to newsmen. Court records or newspaper files of previous cases involving the defendant may contain his criminal and personal history; talkative witnesses, anxious for the limelight, may fill many gaps in the full account of the crime and the defendant's role; shortsighted police officers may "leak" information anonymously. Indeed, in the face of the ingenuity of the press, which is legend, little can remain the confidential property of official law enforcement agencies for too long a period of time. Thus our efforts cannot be successful unless the news media accept a higher degree of responsibility, similar to that which we are hereby recommending for the police . . . Moreover, it will be difficult for law enforcement officials to adhere to any code unless the public, as well as the news media, is educated to accept silence by the police, not as a sign of ignorance but as basic to the protection of the constitutional

[56] *Ibid.*

> rights of the accused. . . . Furthermore, it is the responsibility of the organized Bar to rally to the aid of police administrators when the pressures for full disclosure begin to build.[57]

In the final section of the report, the Committee addresses the possible remedies that are available to the courts and the judges. The recommendations for the bench simply include the enforcement of the judicial remedies available. The power of to issue citations of contempt by publication against media representatives, however, is not listed as a possible power of the bench.

> The judgement and philosophy . . . and the touchstone of our position is that the courts have the necessary power to assure a fair trial free from the effects of prejudicial publicity and that the courtroom, courthouse premises, and participants in a trial - whether they be parties, witnesses, jurors, attorneys, court and police officials, or news media personnel - are, in varying degrees, subject to the exercise of that control by the trial judge. . . The trial judge is the central figure in the operation of every trial. It becomes his responsibility, therefore, to control the participants in the trial and all activities in and about the courtroom during a trial.[58]

The main criticism of this particular code of ethics for the bar and bench is that it is dependent upon voluntary agreements and enforcement by the press. The Final Report stated that the press could circumvent all the controls and reformation made within the house of law, yet, the bar and bench have no constitutional standing to cite the press or, in any form, censor the press.

The legal community, however, was not the only side of the debate to call

---

[57] *Ibid*, p. 32.

[58] *Ibid*, p. 37.

for a resolution of the free press versus fair trial issue. In 1975, the Twentieth Century Fund Task Force on Justice, Publicity, and the First Amendment published a set of recommendations in response to the conflict between the courts and the press. The Task Force began its report with the following declaration of purpose and direction.

> *This Task Force on Justice, Publicity, and the First Amendment believes that the conflict between the courts and t the press has intensified in the past two or three years in ways that seriously endanger the traditional freedom of the press in the United States.*
>
> The source of this threat is not a conspiracy aimed at scuttling the Bill of Rights. In fact, the danger arises from the entirely proper determination of state and federal courts to safeguard the right to a fair trial guaranteed by the Sixth Amendment. Although that right is basic to the administration of justice, the measures that courts have recently taken in its support have tended, despite the praiseworthiness of their purpose, to undermine the independence of the press. . . . In recent years, some of the measures adopted by the courts to prevent prejudicial publicity from affecting the impartiality of jurors and the fairness of criminal proceedings have been operated to inhibit - needlessly - the gathering and reporting of news about the system of justice. The Task Force believes that too many trial judges are going to unnecessary extremes in their efforts to protect juries from prejudicial publicity. They have been led to such extremes at least in part by journalistic excesses that in the past impaired the dignity as well as the fairness of trials.

> *Nevertheless, the Task Force believes that current restraints imposed by some judges on the reporting of criminal proceedings constitute a growing threat to freedom of the press - that is, to the right of the public to know how justice is administered.*[59]

Notably, this report of the Twentieth Century Task Force supports the claims and concerns of the mass communication representatives. Though the press should not interfere with the proper administration of justice, the legal system has no right to enforce unconstitutional prior restraints against print and broadcast media.

> The press has a responsibility to avoid needless frustration of the judiciary and wanton impairment of the constitutional rights of criminal defendants. Without impairing its own independence, it must cooperate with the judiciary to promote justice. Like any other element of a democratic society, the press has a vital interest in preserving the integrity of the constitutional system
>
> The judiciary, on the other hand, has the corollary responsibility of considering the public's need to be informed about the administration of justice and the needs and problems of the press in serving this public interest. It is not enough that trials be fair; they must be known to be fair. Except in the most compelling circumstances, judges must not interfere with journalists in reporting on the process of justice. The Sixth

[59] The Twentieth Century Task Force on Justice, Publicity, and the First Amendment. Rights in Conflict. New York: McGraw-Hill Book Company, 1976. p. 4.

Amendment provides not only for an "impartial jury" but also that "in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial." In contemporary conditions, the press is the instrument by which trials are effectively made "public."[60]

The Task Force addresses four areas of dissent from the recommendations of previous free press - fair trial resolutions, including the Reardon Report. These criticisms are contemporary. The recommendations of the previous reports were made to fill in the void of direction in this constitutional conflict. The trying times of the previous decade did not allow for the Reardon Committee or the Medina Committee to suggest how justices had gone overboard in their protection of the Sixth Amendment. In view of these committees, it was the Sixth Amendment that was being abused and drastic measures were needed to remedy the obvious imbalance between the First and Sixth Amendments. "The Task Force is critical of four specific contemporary judicial practices:

1. The issuance of orders aimed directly at the press, forbidding publication of material obtained outside the courtroom. Such orders amount to prior restraints on publication an, as such, appear constitutionally impermissible. Some judges also have issued orders directly forbidding news media to publish or broadcast information about evidence, testimony, or rulings delivered in open court. These orders, too, go beyond the constitutional authority of courts.

2. The excessive use of restrictive orders. Trial judges undoubtedly have authority, when a trial situation requires it, to

[60] *Ibid*, p. 7.

issue orders imposing silence on defendants, lawyers, witnesses, court employees, law enforcement officers, and others from whom journalists normally seek information regarding a criminal proceeding. But such gag orders are issued too frequently and in terms disproportionate to any realistic assessment of the peril they are intended to prevent. Both standing orders respecting publicity and special orders in special situations should be imposed sparingly with due regard for the public's legitimate interest in crime and justice.

3. The excessive reliance on secrecy. Judges have displayed a disturbing tendency to exclude the press (and thus the public) from significant portions of a criminal proceeding - for example, by selecting juries in secret, by sealing essential papers or trial exhibits, by conducting extended conferences and arguments on evidence and motions in judges' chambers, and by expanding unduly the use of bench conferences. In camera conferences are useful and legitimate devices for disposing of issues that it may be deemed improper for a jury to hear discussed, but they should not be used to exclude the press from discussions that would not clearly imperil the conduct of a fair trial. The Task Force believes that such devices have been used excessively.

4. The lack of quick appeal against restrictions on the press. The Task Force views with concern the absence of any adequate, independent, or sufficiently speedy mechanism to test the validity of special orders inhibiting press coverage of a criminal proceeding. Judges sometimes put such orders into effect

> without adequate input from affected persons without consideration of the problems confronting journalists in reporting a trial. Sometimes, in fact, constitutionally invalid orders delay reporting until the passage of time has drained the suppressed information of its news value.[61]

Members of the task force commented that all the efforts of the judicial community have the correct motives - the protection of the right to a fair and impartial trial. However, these same members point out that our system of justice is not perfect and, with increasing technological advancements, probably never will be. "The harm caused by such a system must be weighed against a rule that would allow defendants in all celebrated cases to go free. It is nearly always true that this balance must be struck in favor of society, even if the resulting trials are slightly unfair."[62] The effect of pretrial publicity is not ignored by the members of this task force. Their focus is how there has been a backlash of censorship in the name of civil liberties. "Shielding a jury from prejudicial publicity is a very different matter from shielding the general public."[63]

The effect of pretrial publicity on jurors, according to the Task Force, "is often exaggerated." The reports in the newspapers do not necessarily remain with a prospective juror and would not leave a lasting opinion that would influence justice. "The Task Force therefore suggests that, upon a showing of pervasive publicity, the defense be allowed more peremptory challenges than in ordinary circumstances."[64] The Task Force, however, failed to address the circumstances in which the defense or media representatives use the print and

---

[61] *Ibid*, p. 5.

[62] *Ibid*, p. 10.

[63] *Ibid*.

[64] *Ibid*, p. 11.

broadcast media in order to affect justice in favor of the defendant. The use and need of extra peremptory challenges for the defense would be voided.

Referring to the common judicial orders keeping jurors names secret from the press and the general public, the Task Force states that "the fear of interrogation by the press is an insufficient ground for keeping the names of jurors sealed."[65] The Task Force fails to state what extenuating circumstances would be considered grounds for failing to disclose the names of jurors. Perhaps the threat of outside coercion, outside pressure, or post-trial ramifications for unpopular, yet constitutional, decisions would be significant enough for the Task Force to consider some form of protection, or as the media call it - censorship. Finally, in reference to jury selection and trial publicity, the task Force suggests that the court allow defendants to waive a jury trial "whenever they [the courts] are satisfied that the waiver has been made freely by a defendant who understands his rights and whenever they are convinced that granting the waiver would result in a trial of greater fairness."[66] The defendant should be prepared to sign over his/her constitutional right to a jury trial so that a fair and impartial trial might be possible because the press refuses to sign over its constitutional rights. The rights of the society and the rights of the press are given priority over the individual.

> The Task Force believes that these measures - careful use of the voir dire, severe limits on courtroom secrecy, continuance or change of venue of the trial, relinquishment of a jury trial, and sequestration of a jury - can protect the rights of criminal defendants without infringing on the freedom of the press and

[65] *Ibid*, p. 12.

[66] *Ibid*, p. 13.

the public's interest in the administration of justice.[67]

The specific recommendations of the Twentieth Century Task Force on Justice, Publicity, and First Amendment are enumerated in the Free Press - Fair Trial Act [Appendix].

The question remains as to whether the remedy to a constitutional conflict is unconstitutional in itself?

---

[67] *Ibid.*

Chapter IV
Constitutional Aspects

> We [The Reardon Committee] have not told them [the press] what they may or may not do. This is left to their sound discretion. Before a defendant is apprehended, they are at liberty to obtain and release any information necessary to aid in his apprehension or to warn the public of any danger he may present. At all times they may publish any information obtainable from public records, and are likewise free to criticize the bench, bar, and public officials. They are not circumscribed in their duty to expose corruption, nor restricted in their right to editorialize, caricature, or express their opinions. Nothing in our proposals interferes with the rights guaranteed to press, radio, or television under the Constitution.[1]

The media and press representatives declare that the report and its adopted recommendations are restrictive of the First Amendment's guarantee of the freedom of the press. Though it took the horrible act of the assassination of the President of the United States to prompt the American Bar Association to consider the constitutional tension between fair trial and free press, the U. S. Supreme Court had been addressing the balance of the two constitutional rights since U.S. v. Burr, 25 F. Cas. 55, 76-87 (No. 14,693) (C.C.D. Va. 1807). Justice John Marshall asked,

---

[1] Cooper, Grant. "The Rationale for the ABA Recommendations," Notre Dame Lawyer. 1967, p. 861.

> Why do personal prejudices constitute a just cause of challenge? Solely because the individual who is under their influence is presumed to have a bias on his mind which will prevent an impartial decision of the case, according to the testimony. He may declare that notwithstanding these prejudices he is determined to listen to the evidence, and be governed by it; but the law will not trust him. Is there less reason to suspect he who has prejudged the case and has deliberately formed and delivered an opinion on it? Such a person may believe that he will be regulated by testimony, but the law suspects him, and certainly not without reason. He will listen with more favor to that testimony which confirms than to that which would change his opinion; it is not to be expected that he will weigh evidence or argument as fairly as a man whose judgment is not made up in the case.[2]

The press defend their actions by declaring that only those sensational cases, such as that of Aaron Burr, would cause prejudicial publicity. In reality, according to the press, the huge majority of criminal cases barely makes the back sections of the newspapers; however, all the following cases that were brought before the Supreme Court of the land were originally just a local case. The above was a federal case. It was not until the Supreme Court, through the Fourteenth Amendment, allowed for the incorporation of the Bill of Rights to the states starting in 1925 did the issue of free press versus fair trial resurface in Bridges v. California and Times-Mirror Co. v. Superior Court 314 U.S. 252 (1941). All the petitioners were charged and pleaded guilty to contempt of court in the Superior Court of Los Angeles County. The conviction involved

[2] U.S. v. Barr, 25 F. Cas, 55 76-87 (No. 14,693) (C.C.D. Va. 1807), Justice John Marshall.

comments about pending criminal litigation. "The basis for punishing the publication as contempt was by the trial court said to be its 'inherent tendency' and by the Supreme Court its 'reasonable tendency' to interfere with the orderly administration of justice in an action then before court for consideration."[3] The Court found that these were "exaggerated" usages of the reasonable tendency and that there was no justification of such a restriction of free expression. The Bridges case continued the precedent that there was little room for justifying the infringement of the freedom of speech or expression, including the press. However, the Bridges case is more well known for the eloquent dissent by Justice Frankfurter, who argued that

> [o]ur whole history repels the view that it is an exercise of one of the civil liberties secured by the Bill of Rights for a leader of a large following or for a powerful metropolitan newspaper to attempt to over-awe a judge in a matter immediately pending before him. The view of the majority deprives California of means for securing to its citizens justice according to law. . . . To find justification for such deprivation of the historic powers of the states is to misconceive the idea of freedom of thought and speech as guaranteed by the Constitution. . . . The Due Process Clause of the Fourteenth Amendment protects the right to comment on a judicial proceeding, so long as this is not done in a manner interfering with the impartial disposition of litigation . . . A powerful newspaper admonished a judge, who within a year would have to secure popular approval if he desired continuance in office, that failure to comply with its demands would be a "serious mistake." Clearly, the state court was

[3] Bridges v. California 314 U.S. 252 (1941), Justice Black.

justified in treating this as a threat to impartial adjudication. [4]

Frankfurter began to address the problem involved when the press is allowed to run free and trample other constitutional rights under the protective covering of the First and Fourteenth Amendments. If a person can be arrested and sentenced for the attempted obstruction of justice, then why are newspapers allowed to hide behind the First Amendment? There are limitations to free speech and there are limitations to the freedom of press.

The question of the ability of the procedural rules in the courtroom to combat prejudicial publicity is examined in Irvin v. Dowd, 366 U.S. 717, (1961). This is the First case in which the Supreme Court "reversed a state criminal conviction solely on the grounds that prejudicial pre-trial publicity had made a fair trial before an impartial jury impossible."[5] The petitioner was charged with murder in Vanderburgh County, Indiana. Shortly after the petitioner's arrest, "the Prosecutor of Vanderburgh County and Evansville police officials issued press releases which were intensively publicized, stating that the petitioner had confessed to the six murders."[6] The first request for a change of venue was granted and the trial was moved to the neighboring county; however, a second change of venue and continuance based upon local prejudice were denied because of an Indiana statute that prevents more than one change of venue. The jurors had been selected from a panel of 430 people, 370, constituting almost 90 percent of the panel, of whom had said in *voir dire* examination that they believed Irvin's guilt. The petitioner was convicted and sentenced to death. The Indiana Supreme Court affirmed the conviction. "On

---

[4] Bridges, dissenting, Justice Frankfurter.

[5] Parker, Eugene Fletcher. Fair Trial and Free Press: Balancing Two Fundamental Rights. Athens, GA: Thesis, 1969, p. 23.

[6] Irvin v. Dowd, 366 US 717 at 718, 6 L. ed. 2d 751, 81 S. Ct. 1639, (1961), Justice Clark.

certiorari, the Supreme Court reversed and remanded the case to the District Court. An opinion by Justice Clark, expressing the unanimous view of the Court, held that the prisoner was denied due process of law under the Fourteenth Amendment because the jury in the state trial was not impartial."[7] Justice Clark's opinion made references to several important precedents and made specific clarification of constitutional rights in the unanimous majority opinion.

> In essence, the right to jury trial guarantees to the criminally accused a fair trial by a panel of impartial, "indifferent" jurors. The failure to accord an accused a fair hearing violates even the minimal standards of due process.[8] "A fair trial in a fair tribunal is a basic requirement of due process."[9] In the ultimate analysis, only the jury can strip a man of his liberty or his life. His verdict must be based upon the evidence developed at the trial.[10] This is true, regardless of the heinousness of the crime charges, the apparent guilt of the offender or the station in life which he occupies. It is not required, however, that the jurors be totally ignorant of the facts and issues involved. In these days of swift, widespread and diverse methods of communication, an important case can be expected to arouse the interest of the public in the vicinity, and scarcely any of those best qualified to serve as jurors will not have formed some impression or opinion as to the merits of the case. . . . It is

---

[7] Irvin at 720

[8] In Re Oliver, 333 US 257, (1948); Tumey v. Ohio, 273 US 510.

[9] In Re Murchison, 349 US 133, .

[10] Cf. Thompson v. Louisville, 362 US 199, .

sufficient if the juror can lay aside his impression or opinion and render a verdict based on the evidence presented in court.[11] The adoption of such a rule, however, "cannot foreclose inquiry as to whether, in a given case, the application of that rule works a deprivation of the prisoner's life or liberty without due process of law."[12] As stated in Reynolds, the test is "whether the nature and strength of the opinion formed are such as in law necessarily . . . raise the presumption of partiality. The question thus presented is one of mixed law and fact. . . ."[13] Indiana agrees that a trial by jurors having a fixed, preconceived opinion of the accused's guilt would be a denial of due process, but points out that the *voir dire* examination discloses that each juror qualified under the applicable Indiana statute. It is true that the presiding judge personally examined those members of the jury panel whose petitioner, having no more peremptory challenges, insisted should be excused for cause, and that each indicated that notwithstanding his opinion he could render an impartial verdict. But as Chief Justice Hughes observed . . . "[i]mpartiality is not a technical conception. It is a state of mind. For the ascertainment of this mental attitude of appropriate indifference, the Constitution lays down no particular tests and procedure is not chained to any ancient and artificial formula. . . ."[14] Here [in the petitioner's case] the "pattern of deep and bitter

---

[11] Spies v. Illinois, 123 US 131, (1887); Holt v. United States, 218 US 245, ; Reynolds v. United States (US) (1879)supra.

[12] Lisemba v. California, 314 US 219, 236, .

[13] Reynolds at 156.

[14] United States v. Wood, 299 US 123, 145, 146,.

> prejudice" shown to be present throughout the community was clearly reflected in the sum total of the *voir dire* examination of a majority of the jurors finally placed in the jury box.[15] Eight out of the 12 thought the petitioner was guilty. . .The influence that lurks in an opinion once formed is so persistent that it unconsciously fights detachment from the mental processes of the average man.[16] Where so many, so many times, admitted prejudice, such a statement of impartiality can be given little weight. As one of the jurors put it, "You can't forget what you hear and see." With his life at stake, it is not requiring too much that petitioner be tried in an atmosphere undisturbed by so huge a wave of public passion and by a jury other than one in which two-thirds of the members admit, before hearing any testimony, to possessing a belief in his guilt.[17] Vacated and remanded.[18]

The precedents referred to in this opinion restate the defendant's constitutional rights in this age of mass communication. The defendant still has the right to a fair and impartial trial; however, the definition of impartiality has shifted from the original constitutional definition. The failure to allow a defendant a fair trial violates the Fifth and Fourteenth Amendments and their respective due process clauses. Nevertheless, the Court seems to be taking the position that it will not "reverse convictions, despite extensive pretrial prejudicial publicity, unless the nature of the publicity is such that it would create bitterness and deepseated prejudice in the community."[19] The

---

[15] Stroble v. California, 343 US 181, .

[16] See Delaney v. United States (CA1 Mass) 199 F2d 107.

[17] Stroble v. California, 343 US 181, (1952); Sheppard v. Florida, 341 US 50, (1951) (concurring opinion); Moore v. Dempsey, 261 US 86,.

[18] Irvin at 754-760.

prejudice of most jurors, however, in this age of mass communication should be assumed. Verdicts can not be simply set aside for the possible tainting of the jurors' mind by excessive publicity. All large cases have some degree of publicity; yet, this is not a reason to hamper the decisions of juries. Instead, the prejudice must be manifested somewhere in the trial (i.e. *voirdire*, trial transcripts, juror polling, or after-trial interviews) and lack of objectivity must be proven by the defendant. [20]

> The court, following Irvin v. Dowd, placed the burden on the petitioners to establish the existence of such opinions in the minds of the jurors as would raise the presumption of partiality, and undertook to evaluate independently the *voir dire* testimony of the impaneled jurors. The Court seemed to hold in Irvin that reversal of a conviction is necessary only where convincing evidence of juror prejudice is shown in addition to extreme and widespread prejudicial publicity. [21]

The concurring opinion of Justice Frankfurter in Irvin could be identified as foreshadowing the events and recommendations to come.

> Of course I agree with the Court's opinion. But this is, unfortunately, not an isolated case that happened in Evansville, Indiana, nor an atypical miscarriage of justice due to anticipatory trial by newspaper instead of trial in court before a jury. . . . How can fallible men and women reach a disinterested verdict based exclusively on what they heard in court when, before they

---

[19] Parker, p. 31.

[20] See Geagin v. Gavin, 181 F. Supp. 466 (D.C. Mass. 1960); aff'd, 292 F. 2d 244 (1st Cir. 1961); Beck v. Washington, 369 US 541, (1962).

[21] Parker, p. 29.

> entered the jury box, their minds were saturated by press and radio for months preceding by matter designed to establish the guilt of the accused. A conviction so secured obviously constitutes a denial of due process of law in its most rudimentary conception. . . . This court has not yet decided that the fair administration of criminal justice must be subordinated to another safeguard of our constitutional system -- freedom of the press, properly conceived. The Court has not yet decided that, while convictions must be reversed and miscarriages of justice result because minds of jurors or potential jurors were poisoned, the poisoner is constitutionally protected in plying his trade.[22]

The possibility of the threat to the constitutionally guaranteed right to a fair trial by prejudicial publicity was strong enough to be considered a blatant violation of the due process of law. Irvin did not solve the constitutional question, but, the lines were drawn more distinctly for the next battle.

In Rideau v. Louisiana, the petitioner was arraigned on the charges of armed robbery, kidnapping, and murder. Attorneys for the defense filed a motion for a change of venue, based on the ground that the defendant could not receive a fair trial in Calcasieu Parish because the televised interview/ confession in the parish jail with the sheriff, consisting of admissions by the defendant that he had perpetrated the crimes with which he was later charged. The motion for a change of venue was denied and the petitioner was tried, convicted, and sentenced to death on the murder charge. The judgment of conviction was affirmed by the Supreme Court of Louisiana. On certiorari, the United States Supreme Court reversed.[23] Two issues dominated the majority

[22] Irvin, concurring opinion at 730.

opinion. First, the telecasting of the interview and the following denial of a change in venue constituted a denial of due process for the defendant/ petitioner. Secondly, the state court has the power to regulate the procedures within the courtroom in accordance within its own understanding of procedure as long as constitutional boundaries are maintained.

> For we hold that it was a denial of due process of law to refuse the request for a change of venue, after the people of Calcasieu Parish had been exposed repeatedly and in depth to the spectacle of Rideau personally confessing in details to the crimes with which he was later to be charged . . . . The kangaroo court proceedings in this cases involved a more subtle but no less real deprivation of due process of law . . . . A person accused of committing a crime is vouchsafed basic minimal rights. Among these are the right to counsel,[24] the right to plead not guilty, and the right to be tried in a courtroom presided over by a judge. Yet in this case the people of Calcasieu Parish saw and heard, not once but three times, a "trial" of Rideau in a jail, presided over by a sheriff, where there was no lawyer to advise Rideau of his right to stand mute.[25]

The Court concluded, "The constitutional standards of fair play were not present when petition was forced to go to trial before a jury which included three persons who had seen and heard him confess, and two police officers."[26]

---

[23] Rideau v. Louisiana, 373 US 723, (1963).

[24] See Gideon v. Wainright, 372 US 335,.

[25] Rideau at 665-666.

[26] Rideau v. Louisiana 10 L. Ed. 2d 663 Annotation at 1247. See Irvin v. Dowd, 366 US 717, 728, ; Janko v United States, 366 US 716, ; Marshall v. United States, 360 US 310, .

A public financier was convicted in the District Court for the Seventh Judicial District of Texas at Tyler for swindling following a most public trial. The trial was televised and broadcast over the petitioner's objection. The Texas Court of Criminal Appeals affirmed. On certiorari the Supreme Court reversed. The Court decided that due process of law was denied the accused by the televising and broadcasting of the proceedings. Though the four constitutional questions that were addressed in this particular precedent case did not specifically deal with the publicity issue, the arguments against televised criminal trials and the reasoning behind them have been used in subsequent trials as arguments against trial publicity.[27]

The Court delineated at the beginning of its formal opinion the purpose behind the Sixth Amendment's requirement for a public trial. "We start with the proposition that it is a 'public trial that the Sixth Amendment guarantees to the 'accused.' the purpose of the requirement of a public trial was to guarantee that the accused would be fairly dealt with and not unjustly condemned."[28] The Court continued by addressing the argument of the respondent that the First Amendment freedoms extended to the right to televise criminal trials. "It is said that the freedoms granted in the First Amendment extend a right to the news media to televise from the courtroom, and that to refuse to honor this privilege is to discriminate between the newspapers and television. This is a misconception of the right of the press."[29] The state contended that the people of the State of Texas had the right to know what was going on in the courts and that "the court has no power to suppress, edit, or censor events which transpired in proceedings before it."[30] The Court responded to the state's

---

[27] Parker, p. 33.

[28] Estes v. Texas, 381 US 532, (1965).

[29] Estes at 548.

[30] Craig v. Harney, 331 US 367, (1947).

contention with an eloquent delineation between a public trial and respect for the judicial process.

> The law, however, favors publicity in legal proceedings, so far as that object can be attained without injustice to the persons immediately concerned. The public are permitted to attend nearly all judicial inquiries, and there appears to be no sufficient reason why they should not also be allowed to see in print the reports of trial, if they can thus have them presented as fully as they are exhibited in court, or at least all the material portion of the proceedings impartially stated, so that one shall not, by means of them, derive erroneous impressions, which he would not have been likely to receive from hearing the trial itself . . . .[31]
>
> However, the nub of the question is not its [television] newness but, as Mr. Justice Douglas says, "the insidious influences which it puts to work in the administration of justice."[32]

In an *amici curiae* brief, the National Association of Broadcasters and the Radio Television News Directors Association declared that:

> "Neither of these two amendments [the First and Sixth speaks of an unlimited right of access to the courtroom on the part of the broadcasting news media . . . ." Moreover, they [the National Association of Broadcasters and the Radio Television News Directors Association] recognize that the "primary concern of all must be the proper administration of justice . . . that life or liberty of any individual in this land should not be put in jeopardy because of actions of any news media . . . and that the

---

[31] 2 Cooley's Constitutional Limitations 931-932 (Carrington ed 1927).

[32] Douglas, "The Public Trial and the Free Press", 33 Rocky Mt L Rev 1 (1960).

> due process requirements in both the Fifth and Fourteenth Amendments and the provisions of the Sixth Amendments require a procedure that will assure a fair trial . . . ."[33]

"As has been said, the chief function of our judicial machinery is to ascertain the truth. The use of television, however, cannot be said to contribute materially to this objective. Rather its use amounts to the injection of an irrelevant factor into court proceedings."[34] The Court continues in the opinion to enumerate different, unconstitutional influences that television has upon the judicial system. "The potential impact of television on the jurors is perhaps the greatest significance."[35] It would be difficult to suggest that the circumstances surrounding the Estes cases would not influence the jurors or anyone else connected with the case. As reported in the New York Times:

> A television motor van, big as an intercontinental bus, was parked outside the courthouse, and the second-floor courtroom was a forest of equipment. Two television cameras had been set up inside the bar and four more marked cameras were aligned just outside the gate. A microphone stuck its 12 inch snout inside the jury box, now occupied by an overflow of reporters from the press table, and three microphones confronted Judge Dunagen on his bench. Tables and wires snaked over the floor.[36]

In the judicial system the largest concern is not influence upon the legally

---

[33] *Amici Curiae* Brief of the National Association of Broadcasters and the Radio Television News Directors Association, Estes at 548.

[34] Estes at 555.

[35] Estes at 551.

[36] The New York Times, September 25, 1972. Quoted in Kingsley, p. 91.

educated, but the influence upon those that cannot counterbalance the information with the law. The most notorious cases are those broadcasted and, unfortunately for the judicial system, this is the time for restraint and knowledge rather than rumor and headlines. "If the community be hostile to an accused a televised juror, realizing that he must return to neighbors who saw the trial themselves, may well be led 'not to hold the balance nice, clear and true between the State and the accused . . . .'"[37] New trials are jeopardized by the possibility that the old trial was viewed by the new jurors. The second negative influence of the television is applied to the "quality of the testimony in criminal trials."[38] The psychological impact of televised testimony upon witnesses cannot be calculated and the reduction of the human factor is a challenge enough for the judicial system. In addition, the televised court proceeding would circumvent the invocation of the rule against witnesses. If a witness can go home and watch the day's proceedings on his or her television, the court-ordered isolation from other witnesses and, thus testimony in its entirety, are voided. Third, "a major aspect of the problem is the additional responsibilities the presence of television places on the trial judge."[39] Discounting the physical distractions of television cameras, judges are also psychologically affected by the constant eye of the camera. This distraction hurts the due process of all those involved in the criminal procedure. "Finally, we cannot ignore the impact of courtroom television on the defendant."[40] A physical, mental, and emotional third degree is not conducive to a fair and free trial atmosphere and is, therefore, a violation of the due process clause of the

[37] Estes at 552.

[38] Estes at 552.

[39] Estes at 553.

[40] Estes at 554.

Fourteenth Amendment and the original intention of the Sixth Amendment. In the concurring opinion of Estes, Justice John Marshall Harlan II continued the above line of thought.

> Permitting television in the courtroom undeniably has mischievous potentialities for intruding upon the detached atmosphere which should always surround the judicial process . . . [M]y conclusion is that there is no constitutional requirement that television be allowed in the courtroom, and, at least as to a notorious criminal trial such as this one, the considerations against allowing television in the courtroom so far outweigh the countervailing factors advanced in its support as to require a holding that what was done in this case infringed the fundamental right to a fair trial assured by the Due Process Clause of the Fourteenth Amendment.[41]

In re Murchison, Justice Hugo Black pointed out in his majority opinion that:

> A fair trial in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the probability of unfairness[42] . . . [T]o perform its high function in the best way "justice must satisfy the appearance of justice."[43]

The Court concluded that televising a criminal trial against the wishes of the defendant is indeed a violation of the due process clause of the Fourteenth Amendment and that the First Amendment freedoms do not extend "a right to news media to televise from the courtroom."[44] The

---

[41] Estes at 557.

[42] In Re Murchison, 349 US 133, (1955).

[43] Offutt v. United States, 348 US 11, 14 [99 L. ed. 11, 75 S. Ct. 11].

concurring opinion of Chief Justice Earl Warren only strengthened the assertions of the majority opinion.

> I believe that it violates the Sixth Amendment for federal courts and the Fourteenth Amendment for state courts to allow criminal trials to be televised to the public at large. I base this conclusion on three grounds: (1) that the televising of the trial diverts the trial from its proper purpose in that it has an inevitable impact on all the trial participants; (2) that it gives the public the wrong impression about the purpose of trials, thereby detracting from the dignity of court proceedings and lessening the reliability of trials; and (3) that it singles out certain defendants and subjects them to trials under prejudicial conditions not experienced by others.[45]

A case that came before the Supreme Court in 1966 deflates the argument that only Presidential assassins suffer from prejudicial publicity. In Sheppard v. Maxwell, 384 U.S. 333, (1966) the petitioner, accused of murdering his wife, was tried before a jury in the Court of Common Pleas of Cuyahoga County, Ohio. The petitioner was convicted of second degree murder, and his conviction was affirmed by the Court of Appeals of Cuyahoga County and the Ohio Supreme Court. Seven years later, on a writ of habeas corpus, the United States District Court for the Southern District of Ohio ruled that the petitioner had been denied a fair trial. The Court of Appeals for the Sixth Circuit reversed that decision. On certiorari, the Supreme Court reversed.[46] The constitutional questions addressed and answered in this opinion serve as

---

[44] Estes at 551.

[45] Estes at 563, concurring opinion.

[46] Sheppard v. Maxwell, 384 US 333, (1966).

judicial consent to the recommendations made in the Reardon Report.

> A responsible press has always been regarded as the handmaiden of effective judicial administration, especially in the criminal field . . . . The press does not simply publish information about trials but guards against the miscarriage of justice by subjecting the . . . judicial processes to extensive public scrutiny and criticism. This Court has, therefore, been unwilling to place any direct limitations on the freedom traditionally exercised by the news media for "[w]hat transpires in the courtroom is public property."[47] The "unqualified prohibitions laid down by the framers were intended to give to liberty of the press . . . the broadest scope that could be counterbalanced in an orderly society."[48]
>
> But the Court has also pointed out that "[l]egal trials are not like elections, to be won through the use of the meeting-hall, the radio, and the newspaper."[49] And the Court has insisted that no one be punished for a crime without a charge fairly made and fairly tried in a public tribunal free of prejudice, passion, excitement, and tyrannical power."[50] "Freedom of discussion should be given the widest range compatible with the essential requirement of the fair and orderly administration of justice."[51] But it must not be allowed to divert the trial from the "very

---

[47] Craig at 374.

[48] Bridges at 204.

[49] Bridges at 207.

[50] Chambers v. Florida, 309 US 227, (1940).

[51] Pennekamp v. Florida, 328 US 331, 347, (1946).

> purpose of a court system . . . to adjudicate controversies, both criminal and civil, in the calmness and solemnity of the courtroom according to legal procedures."[52]

Several constitutional issues coincided with each other in the Sheppard case. The Court asserted that if a trial judge fails to insulate court proceedings and the jury from prejudicial publicity and disruptive influences that it could be cause for appeal as a violation of the due process clause of the Fourteenth Amendment. The Court declared that

> [i]f the juror has seen or heard information which is either inadmissible in evidence or strongly slanted against the defendant, the effect of permitting the juror to sit as a trier of fact may be (1) to deprive the trial judge of effective control over the admission of evidence, or (2) to have the juror give more weight to testimony which is consistent with the publicity than to testimony which is not.[53]

The Court argued that the state court does have the power to control the publicity in the court and assure a fair trial without directly censoring the media. The courthouse and the courtroom are both under the jurisdiction of the judge, and the court can control the publicity in these areas. The Supreme Court also recognized, however, that criminal procedure, even if followed, may not be able to combat a hostile environment, and due process may be violated anyway. However, little or nothing was done to prevent the massive publicity and contamination of the judicial process in the Sheppard case. The Court "itemizes" the violations of the due process clause in the following excerpt:

---

[52] Cox v. Louisiana, 379 US 559, 583, (1965) (Black, J., Dissenting).

[53] Rideau v. Louisiana Annotation at 1247.

There can be no question about the nature of the publicity which surrounded Sheppard's trial. We agree with the findings in Judge Bell's opinion for the Ohio Supreme Court:

"Murder and mystery, society, sex and suspense were combined in this case in such a manner as to intrigue and captivate the public fancy to a degree perhaps unparalleled in recent annals. Throughout the pre-indictment investigation, the subsequent legal skirmishes and the nine-week trial, circulation-conscious editors catered to the insatiable interest of the American public in the bizarre . . . . In this atmosphere of a "Roman holiday" for the news media, Sam Sheppard stood trial for his life."[54] Indeed, every court that has considered this case, save the court that tried it, has deplored the manner in which the news media inflamed prejudiced the public.[55]

Much of the material printed or broadcast during the trial was never heard from the witness stand, such as the charges that Sheppard had purposely impeded the murder investigation and must be guilty since he had hired a prominent criminal lawyer; that Sheppard was a perjurer; that he had sexual relations with numerous women; that his slain wife had characterized him as a "Jekyll-Hyde"; that he was a "bare-faced liar" because his

---

[54] Sheppard v. Maxwell, 165 Ohio St., at 294, 135 NE 2d at 342.

[55] Typical comments on the trial by the press itself include:

"The question of Dr. Sheppard's guilt or innocence still is before the courts. Those who have examined the trial record carefully are divided as to the propriety of the verdict. But almost everyone who watched the performance of the Cleveland press agrees that a fair hearing for the defendant in that area, would be a modern miracle." Harrison, "The Press vs. the Courts," The Saturday Review, October 15, 1955.

testimony as to police treatment; and finally, that a woman convict claimed Sheppard to be the father of her illegitimate child.

As the trial progressed, the newspapers summarized and interpreted the evidence, devoting particular attention to the material that incriminated Sheppard and often drew unwarranted inferences from testimony.

The Court's fundamental error is compounded by the holding that it lacked power to control the publicity about the trial . . . Since he viewed the news media as his target, the judge never considered other means that are often utilized to reduce the appearance of prejudicial material and to protect the jury from outside influence. We conclude that these procedures would have been sufficient to guarantee Sheppard a fair trial . . . The carnival atmosphere at trial could easily have been avoided since the courtroom and courthouse premises are subject to the control of the court . . . .

The court should have insulated the witnesses. Although the witnesses were barred from the courtroom during the trial the full verbatim testimony was available to them in the press. This completely nullified the judge's imposition of the rule.[56]

Thirdly, the court should have made some effort to control the release of leads, information, and gossip to the press by police officers, witnesses, and the counsel for both sides. Much information thus disclosed was inaccurate, leading to groundless rumors and confusion . . . . The fact that many of the prejudicial

[56] See Estes v. Texas, supra, 381 US at 547, 14 l. ed. 2d at 552.

> news items can be traced to the prosecution, as well as the defense, aggravates the judge's failure to take any action.[57] Effective control of these sources - *concededly within the court's power* - might well have *prevented* the divulgence of inaccurate information, rumors, and accusations that made up much of the inflammatory publicity. [Emphasis Added] . . . . Had the judge, the other officers of the court, and the police placed the interest of justice First, the news media would have soon learned to be content with the task of reporting the case as it unfolded in the courtroom - not pieced together from extrajudicial statements.[58]

In Irvin, the Court had placed the burden of proof of prejudicial environment upon the defendants and the court transcripts. In Sheppard, the Court "held that identifiable prejudice need not be shown as a demonstrable reality and referred to a 'totality of circumstances.'"[59] The examination of the circumstances surrounding the trial by the Court proved that Dr. Sheppard did not receive a fair trial free from outside influences and prejudice. "In light of this background, we believe that the arrangements made by the Judge with the news media caused Sheppard to be deprived of that 'judicial serenity and calm to which (he) was entitled."[60] This was a violation of the his Fourteenth Amendment right to due process.

Judge Edwards of the U.S. District Court for Southern District of Ohio dissented from its review of the Sheppard case and, though against the leeway

---

[57] See Stroble v. California, 343 US 181, 201, (1952).

[58] Sheppard at 616-617.*Ibid.*

[59] Parker, p. 34.

[60] Sheppard at 618.

given to the courts over the media and communications organizations, supported voluntary agreements between bar and bench (similar to the Reardon recommendations). The Supreme Court makes a specific reference to the following part of Judge Edwards' dissent as being representative of the high Court's opinion.

> Limitations upon lawyers, or the press, pertaining to the period from the beginning of the impaneling of a jury to its verdict, are limitations which all people of good will should accept with alacrity and without compulsion, because the trial of a case is a relatively short period of time and any abusive practices during the trial can be subsequently brought to light in its immediate aftermath. But the suggestion of a general ban upon comment on matters which may occasion the invoking of a criminal charge is far too broad a stricture to be warranted by any abuse of due process with which I am personally acquainted.[61]

Recent decisions have turned the direction of the free press and fair trial debate around. In Chandler v. Florida, 449 U.S. 560, (1981) the Court reversed its traditional stance against the media in the courtroom. "State programs permitting radio, television, and photographic coverage of criminal proceedings over accused's objection, [are] held [to be] constitutional absent [a] showing of prejudice."[62] The petitioner was charged with a crime that prompted excessive great media attention. The defense filed a pretrial motion challenging the canon of the Florida Code of Judicial Conduct that allowed for electronic media and still photographic coverage of public judicial proceedings.

---

[61] Edwards, George Jr. "A Ranking U.S. Judge: The Greatest Threat Since McCarthy," The Bulletin of the American Society of Newspaper Editors, No 502. New York: American Society of Newspaper Editors, November 1, 1966.

[62] Chandler v. Florida, 449 US 560, (1981).

The motion was denied, the defendants were tried and convicted, and the Florida District Court of Appeal affirmed the convictions. On appeal, the United States Supreme Court affirmed.[63] The burden of proof of juror prejudice was once again placed solely on the shoulders of the defense. "The defendant must show something more than juror awareness that the trial is such as to attract the attention of broadcasters."[64] The press must have impaired the ability of the judge or jury to adjudicate with fairness and objectivity or the press must have had an adverse impact on the trial participants. The prevailing circumstances surrounding a trial would no longer be taken into consideration. The impact of the publicity must be documented in order that convictions affected by this publicity may be ruled upon. In response to Justice Harlan's concurring opinion in the Estes case and the recommendation that media coverage be avoided in the name of judicial serenity, Chief Justice Warren Burger argued:

> An absolute constitutional ban on broadcast coverage of trials cannot be justified simply because there is a danger that, in some cases, prejudicial broadcast accounts of pretrial and trial events may impair the ability of jurors to decide the issue of guilt or innocence uninfluenced by extraneous matter . . . . A case attracts a high level of public attention because of its intrinsic interest to the public and the manner of reporting the event. [65]

The Court determined that an absolute ban against possibilities of prejudicial contamination of the judicial process was extreme and unconstitutional. However, at no time in Chandler did the Court decide to

[63] Chandler at 740.

[64] Chandler at 742.

[65] Chandler at 752.

overturn the reasoning in Estes. Prejudicial publicity was still held to be outside the constitutional protection of freedom of the press; thus freedom of the press was determined not to be absolute. Using case studies, Chapter Five will examine the practical applications of the Supreme Court's rulings in the fair trial versus free press debate.

Chapter V
Case Studies From Atlanta

This chapter applies the information presented in the previous chapters to cases from the Atlanta metropolitan area in Georgia. All cases are from the Atlanta Journal and Constitution. No official statement of cooperation exists between the Bar Association of Georgia and the Georgia Press Association. Therefore, the Atlanta cases and their coverage will be compared to the sample case presented in the Reardon Report in order to answer several research questions. For example, have the conditions that prompted the Report subsided or increased? Did the bar and press in the Atlanta area follow the conditions of control presented in the Report? If the conditions were not followed, would the problems related to the publicity surrounding the cases been reduced if the conditions had been followed? If the conditions were followed, did the defendants suffer from prejudicial publicity despite judicial efforts?

On July 11, 1988, a preschool education teacher disappeared from the exclusive streets of Buckhead, Georgia. The social status of Ms. Love's fiance, Mark Kaplan, co-owner of Gorin's Ice Cream chain, allowed for her search to remain in the headlines long after other missing person cases would have been declared "old news." After a year of searching, a break occurred in the Julie Love Disappearance Case. On Friday, August 25, 1989, a headline on the front page of the Atlanta Constitution read "Informant's Tip Led Police to Julie Love: Angry Girlfriend Said She Witnessed Rape, Murder."[1] The grizzly discovery

[1] Adam Gelb. "Informant's Tip Led Police to Julie Love: Angry Girlfriend Said She Witnessed

was accompanied by a grizzly description:

> At dawn, an eerie haze hangs over the trash-clogged woods along Grove Park Place. Pine trees and piles of wet rotting trash line the half mile stretch between Johnson and Hortense roads in northwest Atlanta. Weeds grow out of gutted sofas. Mosquitos drone over a malodorous stream choked with discarded trees and a stove and the air is thick with the stench of a dog's decaying corpse. The people who live near this dismal scene were not the least surprised Thursday to find it contained the body of Julie Love. Some were surprised that hers was the only one police found.[2]

Thus began an eight month media blitz for prospective jurors from Dekalb County and its surrounding areas. The media coverage included almost sixty separate stories about the victim, the victim's family, the suspects, and the trial. For months at a time, the printed press would run stories day after day. Thirty-three of the stories appeared in the five month interval (averaging one story a week) between the arrest of the suspects and the beginning of the trial of Emmanuel Hammond, though during most of this time, there was a gag order in effect from the judge in the case.

The possible circumvention of justice for the suspects in this emotional case is best examined in comparison to the sample case given in the appendix of the Reardon Report [Table I]. The Reardon Report focused attention upon the Miami Herald's coverage of the Mossler-Powers trial as a prime example of excess coverage, to the point of being dangerous to fair trial, by the print media.

Rape, Murder," Atlanta Constitution. August 25, 1989; sec. A, p. 1, col. 2.

[2] Deborah Scroggins. "Dumping Ground Where Body Found A No Man's Land," Atlanta Constitution. August 25, 1989; sec. A, p. 16, col. 1.

The Reardon Committee examined six aspects of the Herald's coverage. The first aspect, the newspaper's placement of the stories, determined whether or not a majority of the newspaper reading public and prospective jurors would see the story. Banner headlines and page one stories are certain to be seen and read. Stories within the first six pages of each section have a high probability of being read. Beyond this, a story is considered buried and its publicity effect diminished tremendously. Table 2 compares the Reardon example with the numbers of all the Atlanta cases examined in this chapter.

In their respective coverages of the Mossler-Powers trial and the Love case, the Herald and the Constitution totaled about the same number of stories, fifty-four for the Herald and fifty-seven for the Constitution. The distinction should be made, however, that in the Reardon report, the Herald's reporting was limited to trial reporting, while the Constitution's reporting included pre-trial and, in some cases, pre-arrest stories as well as trial and post-trial coverage. In the Herald's coverage of the Mossler-Powers trial, from commencement of the trial to report of the verdict, two banner headlines appeared. In the Constitution's coverage of the Love case, from finding of the body to Emmanuel Hammond's death sentence, there were three banner headlines. Other page-one coverage included ten stories for the Love case, twenty-five for the Mossler-Powers trial. Prominent stories, those printed on the first page through the sixth page of the inside sections, numbered sixteen for Mossler-Powers trial and thirty-three for the Love case. The Herald "buried" eleven Mossler-Powers stories; the Constitution buried eleven stories for the Love case.

The first and second parts of the Reardon recommendations dealt with controlling of delineation of information by attorneys, officers of the court, and law enforcement officers. The sources of information are the second section of

table of the Mossler-Powers trial coverage. The prosecutor was counted as the source for six separate pieces of information. The Love case illustrates a definite increase in the information disseminated by the prosecuting attorney's office, namely, thirty-two separate references to the district attorney. However, it would be misleading to suggest that only the prosecuting attorney uses the power of the press.

> The defense can use the press for its own purposes, and often does. If through astute usage of the public-relations power of the press, the defense can generate sympathy for the defendant, chances for a not-guilty verdict, or a lighter sentence, are multiplied. In each case the press is a willing, knowing accomplice. One does not balance the other, though. The public always seems more willing to believe police and prosecution than the defense, particularly if the crime is sufficiently vicious and bloody.[3]

The defense seems to have taken advantage of the press in the Mossler-Powers trial when compared to the number of times the prosecution used the press. Thirteen times the defense was cited as the source of information for the Herald. In the Constitution's coverage of the Love case, the defense is cited only eighteen times. Compared to the thirty-six quotes from the prosecuting attorney's office, the defendants do not seem to have used the press to their advantage. The defendants were two black males with previous criminal records charged with murdering a cute, petite preschool teacher. The press portraying the defense in a sympathetic light seemed highly unlikely. There is a

[3] Howard Felsher and Michael Rosen. The Press in the Jury Box. New York: The MacMillian Company, 1966. p. 80.

unilateral increase of information coming from the both the prosecuting and defense attorneys in the Love case from the attorneys in the Mossler-Powers case. The Constitution relied on the attorneys, while the Herald seems to have gained a large portion of their information from trial proceedings and court documents. The trial proceedings only produced eleven cited pieces of information in the Julie Love case. In the Mossler-Powers trial, forty-two pieces of information were cited as coming from the trial proceedings and court documents.

The police are not listed as separate sources in the Herald's case by the Reardon Committee in Table 1; however, the influence of cited police information should not be ignored. With quotes ending with "said authorities" or "police chief, said" the impact and credibility of the statement are manifold. Stories leaked to reporters by "'authoritative sources,' 'reliable sources,' and 'responsible officials.' No one is quoted directly. Readers understand."[4] In the Love case, police/authorities were cited 129 times. The catch-all section of "other reporting by newspaper" included statements taken from family, friends, and first-hand observation of the reporters. Here the gap between the Love and Mossler-Powers trials narrows. In the Herald, other sources reported by the newspaper numbered forty-five; in the Constitution, other sources reported by the newspaper numbered fifty-seven.

Review of the defense behavior in the printed press by the Reardon committee shows little use of the press by the defense in comparison to the Love case. General comments by the defense attorney for the Mossler-Powers trial numbered only at three; for the Love case, there were eighteen comments by the defense attorney. The defendant in the Mossler-Powers case gave more general interviews that the defendant in the Julie Love case. Discussions of

[4] *Ibid*, p. 79.

plea negotiations increased in the Love trial because one of the defendants did, eventually, plead guilty and testify against the other defendant. In the Love case there were eight separate mentions of the plea negotiations; in the Mossler-Powers trial, there was only one mention of a possible plea negotiation.

During the trial phase, the fifth section of the Reardon Committee's report of print newspaper coverage, the Herald's and Constitution's coverage was similar. Motions made at the trial numbered five for the Mossler-Powers trial and three for the Love trial. Jury selection comments were ten and eleven for the Love case and the Mossler-Powers trial respectively.

The final section of the Reardon Committee's examination of the Mossler-Powers trial and the Miami Herald's extrajudicial coverage of that trial is the one section that is not addressed or corrected in the final report. Any restrictions on the final section could easily be considered as unconstitutional restraint upon the press. Color and background commentary, though often prejudicial, cannot be restricted. In the Mossler-Powers trial twenty-seven commentaries about the individuals involved in the case appeared in the Herald. In the Love case, including information presented before the body of Ms. Love was discovered, background information and commentaries numbered at an incredible 195 comments. The interpretation of evidence differed in the two cases with the Love case only having one instance of interpretation by the press itself and the Mossler-Powers case having fourteen instances; these numbers do not include interpretation by the sources quoted. Interviews with the victim's family increased with the Love case, with nineteen interviews, versus the Mossler-Powers case, with only two interviews.

If the Reardon standards are applied to the Love case, several "violations" are apparent. Parts 1 and 2, sec 1.2 (1), referring to both police and attorneys, state that the prior criminal record of criminal suspects should not be divulged. "Prior criminal records will be inadmissible except under limited circumstances and for restricted purposes. . . ."[5] The Constitution printed the past criminal records of both Love suspects and repeatedly referred to them in articles. "There is, of course, good reason to inform the public of the kind of persons who are convicted of crimes and of alerting it to the problem of recidivism. But the question here, as elsewhere, is one of timing."[6] In a one-month analysis of twenty newspapers across the country, the Reardon Committee found "eighty instances in which a record of prior convictions, arrests, or indictments was disseminated during the period from arrest to trial, and in all but seven of those instances, the source of information was the local police department."[7] Parts 1 and 2, 1.2 (4) state that the testimony of any prospective witness should not be disseminated because "witnesses may substantially modify their stories under oath or after confrontation by the accused or cross-examination."[8]

> One difficulty with pretrial reports of evidence seized [or the oral statements of witnesses] is that the evidence may have been obtained in violation of the defendant's constitutional rights and consequently be inadmissible at trial. Thus the effect of pretrial release may be that the trier of fact is exposed to information which cannot constitutionally be used to establish the guilt of the defendant. During the one-month period studied by the

---

[5] Advisory Committee on Fair Trial and Free Press, p. 17.

[6] *Ibid*, p. 30.

[7] *Ibid*, p. 31.

[8] *Ibid*.

Committee, the 20 newspapers analyzed contained 115 reports of evidence seized at arrest, all but one of which appear to have been derived from police sources.

As to statements of witnesses, including the victim himself, one major problem is that the statement as it comes to the public is generally filtered through at least two intermediary sources: the public is reading the reporter's version of a public official's version of what the witness told the official or a subordinate. The hearsay evidence rule, which would preclude introduction of evidence offered in this manner, is not an archaic technicality; rather it has the deepest roots in the right of confrontation and cross-examination under oath. Statements of witnesses, particularly when they amount to an identification of the accused can of course be of a highly incriminating nature. Thus it is significant that during the one-month period studied in 20 cities, there were 29 pretrial reports of identification of the accused by witnesses derived from police sources. [9]

The statement of one suspect's girlfriend in the Love case was detailed and published in the Constitution. Details about witnessed sexual and physical assault as well as armed robbery were added to the grisly details of the skeletal remains of Ms. Love.

Parts 1 and 2, 1.1 (6) restrict the release of the possibility of a guilty plea to the offense charged or a lesser offense because the defendant has the constitutional right to plead not guilty, regardless of discussions with any public office. The Reardon Report stated that:

---

[9] *Ibid*, p. 36.

> [a] less frequent but nevertheless troublesome problem is raised by reports of plea negotiation -- reports that the accused may plead guilty to the offense charged or a lesser offense. Although the decisions are not unanimous, it has generally been held that evidence relating to negotiations between the parties is inadmissible.[10]

The Atlanta Constitution informed the reading public that Porter, a second suspect in the Love case, intended to plead guilty in exchange for the District Attorney agreeing not to ask for the death penalty in his case. Ultimately, one of the suspects, Hammond, was tried, convicted, and sentenced to death by a jury, and Porter received two consecutive life terms.

A second example case is the trial of James Caldwell for the rape and murder of his twelve year old daughter and the attempted murder of his ten year old son. "Girl, 12, Found Strangled at Family's Marietta Apartment: Brother, 10, in Critical Condition With Many Stab Wounds."[11] This was the banner headline in the Metro & State section of the Atlanta Constitution on Wednesday, August 17, 1988. The Caldwell mystery had begun. The brief life story of the murdered twelve year old junior high school student was displayed in a full page dedication to her memory. The paper even published the last poem that the young girl had written. Speculation of sexual abuse began in the paper on August 18, 1988.

> Kay Caldwell, the boy's mother found her nude and semi-conscious son lying face down in about 3 inches of water in a bathtub when she returned from work Tuesday afternoon.

---

[10] *Ibid.*

[11] Cynthia Durcanin. "Girl, 12, Found Strangled At Family's Apartment," Atlanta Constitution. August 17, 1988; sec. E, p. 1, col. 1.

> The body of her partially clad daughter was found in a bedroom. Police said autopsy results indicated she was sexually assaulted.
>
> Investigators believe the girl, a Marietta Junior High School student, may have been strangled with a shoelace or a piece of cloth. Police also recovered several pairs of blood stained scissors and a steel tipped dart they believe may have been used to stab the boy.[12]

On August 21, 1988 stories appeared about the family's problems. Rumors about the father's involvement in his children's attack began on August 23, 1988.

In the comparison with the Reardon Reports' example of the Miami Herald's coverage of the Mossler-Powers trial, the coverage by the Atlanta Constitution of the Caldwell Case shows an increase in the use of the media by the officers of the court and law enforcement officials. In the Mossler-Powers trial there were two banner headlines and twenty-five page one articles; in the Caldwell trial there were no banner headlines and only seven page one articles. Nevertheless, there were twenty-three stories in the inside sections for the Constitution (accounting for seventy percent of all the coverage of the case) and only sixteen (accounting for thirty percent of all the coverage of the case) for the Herald's coverage. The Herald had eleven buried stories; the Constitution had three buried stories. Finally, sixty-one percent of the stories for the Constitution had photographs and sixty-three percent of the stories for the Herald had accompanying photographs. As in the case of Julie Love murder trial, there has been no decrease in publicity following and during a trial since

---

[12] Cynthia Durcanin. "Slain Marietta Girl Was Sexually Assaulted, Autopsy Results Show," Atlanta Constitution. August 18, 1988; sec. B, p. 1, col. 1.

the time of the Reardon recommendations.

The concern over the release of information by prosecuting and defense attorneys does not seem to have swayed the use of the press by these offices. In the Mossler-Powers trial, there were six instances in which the prosecuting attorney was quoted as the source of information by the press. The prosecutor commented on jury selection once; defense motions once; opening arguments once; identification of witnesses once; and discussion of plea negotiations once. In the Caldwell murder trial, the prosecuting attorney was quoted fifty-six times. Tom Charron, the District Attorney for Cobb County, commented on jury selection ten times; defense motions twenty-five times; opening arguments three times; and the identification of witnesses six times. The defense for the Mossler-Powers trial was quoted thirteen times in the Miami Herald. The defense for James Caldwell was quoted forty times by the Atlanta Constitution. The Constitution also quoted the police/authorities sixty times. The only instance of decreased reliance upon by the press for information has been in the area of court or public documentation. In the Mossler-Powers trial, the court and public documents were referred to forty-two times. In the Caldwell trial the court and public documents were referred to only nineteen times.

General comments about the trial procedures also showed a dramatic increase from the Mossler-Powers trial to the Caldwell trial. Motions at trial received minimal coverage, only five times, in the Miami Herald. However, in the Atlanta Constitution, the motions at trial, most of which were out of the presence of the jury, were covered heavily, seventy times. Jury selection coverage remained stable over the years -- eleven for the Herald and ten for the Constitution. Jury deliberations presented a slight increase with three stories

mentioning the deliberations for the Mossler-Powers trial and ten stories mentioning them for the Caldwell trial. The more emotional aspect of the trial by newspaper, the color and background commentary remained stable with twenty-seven instances of coverage by the Miami Herald and thirty instances of coverage by the Atlanta Constitution. However, the additional emotional appeal of interviews with the family did increase from the Mossler-Powers trial with only two instances to the Caldwell trial with forty-two instances.

There is no evidence that the Reardon recommendations were ever enforced in the Caldwell press coverage. The numbers, however, show that the situation involved in the Caldwell case was the same, if not worse in some aspects, than the Mossler-Powers trial coverage. The Reardon standards, if applied, would have been "violated" in the Caldwell case. Even before the police had apprehended Robert Caldwell, the Atlanta Constitution had revealed the sad history of abandonment and abuse involved in the Caldwell family.[13] The release of non-pertinent information before the apprehension of a suspect is in direct violation of the standards set by the Reardon Report in Part 2, 2.2(a).[14] This barrage of information included Robert Caldwell's past criminal record of domestic criminal violations contrary to the suggestions of Parts 1 and 2, 1.1(1) of the Reardon Report.[15] The doubts of the family members, including Kay Caldwell, Robert Caldwell's ex-wife, were detailed for all of Cobb County and the surrounding area to read.[16] These doubts and speculations of the family members were in violation of Part 1 and Part 2, 1.1(4)

---

[13] Cynthia Durcanin. "Slain Girl's Father Has Vanished," Atlanta Constitution. August 22, 1988, sec. A, p. 1, col. 2.

[14] Advisory Committee on Fair Trial and Free Press, p. 7.

[15] *Ibid.*

[16] Cynthia Durcanin. "Conflicting Reports Received On Slain Girl's Missing Father," Atlanta Constitution. August 23, 1988, sec. B, p. 1, col. 3.

of the Reardon report.

The number of phone calls that the police received when Robert Caldwell disappeared showed the public's outrage and concern over the "child-killer." When his son, Ben Caldwell, was released from the local hospital on August 30, 1988, it took three cars to take home the toys and flowers sent from unknown well-wishers in the Cobb County area. The public sympathy for the victims had multiplied because of the portrayal of the dysfunctional family in the newspapers. The Cobb County district attorney's appeal for the death penalty reflected the public's outcry over the atrocious crime.

The Caldwell trial also became a test case for the use of DNA identification in the courtroom. The jury was excluded from the testimony about the admissibility of the DNA in the Caldwell case. The purpose of holding arguments outside the presence of the jury was to prevent the prejudicial effect of possible evidence that would not be admitted later in the official case. The Atlanta Constitution printed eight articles on the controversial DNA testing, the testimony about its judicial properties, and interpreted the possible trial results if the DNA was admitted in the Caldwell case. The Reardon Report suggested that "dissemination of specified information by any means of public communication, prior to the rendering of the verdict, may jeopardize the right to a fair trial by an impartial jury."[17] The removal of the jury by the judge was voided.

After the headlines and editorials were saturated with the Caldwell case, the court did eventually place a gag order upon the court officers. It was in this environment that the prosecution contended that a fair and unbiased jury could be chosen and placed. In the end, Robert Caldwell was tried, convicted, and sentenced to life for the murder and rape of his daughter and attempted

[17] *Ibid*, p. 12

murder of his son.

DNA testimony is now used to pinpoint identify criminals and it is probable that James Caldwell was guilty of the acts he was convicted of. However, a question remains. "Even if a guilty verdict is deserved, is it just if it has been obtained through the pressure of public opinion inflamed by the press?"[18]

The following two cases differ from the above cases because neither has gone to trial. Thus, question posed is whether the proposed restrictions of the dissemination of information should be extended to the time of the offense itself. Perhaps information reported even before a suspect is apprehended can be identified as prejudicial should these cases go to trial.

The precious picture of a cooing baby was placed under the disheartening title of "Missing Gwinnett Infant Believed To Be Kidnapped."[19] Two days later the headlines changed from the sorrow of the parents to "Father of Missing Baby Takes Lie Detector Test."[20] The police reported that there were too many inconsistencies in the father's story. The father went from a grieving parent to the number one suspect on a list of one. "'The story was a little bizarre and a little unusual, even to police officers, said Larry Warren Gwinnett police spokesman."[21]

> "It's the lack of anything to substantiate his story," said Ron Impello, whose daughter, Kathy Hardwick, is the baby's mother. "There are not witnesses and that's a busy road. The police are trying to make his story hold water. I'm sure it wasn't

---

[18] Felsher, p. 92.

[19] Phillip Pan. "Missing Gwinnett Infant Believed To Be Kidnapped," Atlanta Constitution. July 5, 1992; sec. D, p. 6, col. 1.

[20] Kay Torrance. "Father of Missing Baby Takes Lie-Detector Test," Atlanta Constitution. July 7, 1992; sec. D, p. 3, col. 5.

[21] *Ibid.*

intentional. I think a horrible accident happened and he just didn't know what to do."[22]

The headlines begin to question the father's story. "Like The Police, Mother Questions Husband's Story."[23] "Father Sticks To Story; Hunt for Missing Girl Goes Nationwide."[24] "Kidnapping? Not Likely, Statistics Say."[25] "Child: Father's Story Doubted."[26] Speculation to physical and sexual abuse of both mother and child by Kenny Hardwick, though later refuted by an autopsy of the infant and an interview of the mother, continued throughout the investigation. In the end, Kenny Hardwick confessed to the accidental killing of his seven-month-old daughter. His confession became instant reading material for all of the Atlanta metropolitan area, including the county of Gwinnett, where Hardwick has the constitutional right to be tried. This case, as of date, has not come to trial.

Though the analysis of the Mossler-Powers trial in the appendix of the Reardon Report only involved the Miami Herald's coverage from the commencement of the trial to the report of the verdict, the numbers presented from the Atlanta Constitution's coverage of the Baby Hardwick "kidnapping" show a pre-trial saturation of the potential jurors among the reading public in the Atlanta metro area. Haley Hardwick disappeared from her father's custody

---

[22] Kay Torrance. "Authorities To Continue Hunt for Baby," Atlanta Constitution. July 8, 1992; sec. C, p. 3, col. 1

[23] Kay Torrance. "50 Volunteers Join Search for Missing Gwinnett Girl ," Atlanta Constitution. July 9, 1992; sec. C, p. 3, col. 1.

[24] Rob Johnson. "Father Sticks to Story," Atlanta Constitution. July 18, 1992; sec B, p. 1, col. 1.

[25] Kay Torrance. "Was Haley Kidnapped?," Atlanta Constitution. July 22, 1992; sec C, p. 7. col 6.

[26] Rob Johnson. "Haley Hardwick's Mysterious Journey," Atlanta Constitution. July 27, 1992; sec. D, p. 1, col. 2.

on July 4, 1992. For the next thirty days, the Atlanta Constitution ran more than thirty-five stories. Though there were no banner headlines and only five page one stories for the Hardwick case, there were twenty-nine stories prominently displayed in the inside sections. There were six buried stories. These stories, minus five commentaries on the possible excessive application of the death penalty in the Hardwick case, all occurred before the confession and apprehension of Kenneth Hardwick, Haley Hardwick's father.

The sources involved in the Hardwick trial are similar to those outlined in the Mossler-Powers trial in the Reardon Report. The prosecutor in the Mossler-Powers trial was quoted six times; the prosecutor in the Hardwick investigation was quoted seven times. The focus of the paper's reporting in the Hardwick investigation can be identified with the tremendous difference in the sources attributed to the defense. In the Mossler-Powers trial there was a defense because of the adversary structure of the judicial system requires a defense. However, the adverse environment of pre-indictment press pressure does not. The Miami Herald quoted the defense thirteen times; the Atlanta Constitution quoted the defense, in the last known story, once. The Constitution quotes the police and other Atlanta authorities 131 times, before the confession of Kenny Hardwick. In an ironic twist, the police began to quote and use the press as a source in their investigation in the missing baby case.

> And because Kenny Hardwick - Haley's father and the chief suspect in the Lawrenceville girl's disappearance - is reluctant to cooperate fully with them , the police are poring over newscasts and news articles to find out what he is telling reporters that he's not telling them.
>
> "We have to find out, like everyone else, what's going on,"

Chief [Wayne] Bolden said.[27]

The emotional reporting of the suffering mother numbered sixty-two times. Color and background commentary coverage numbered eight-five times. Interpretation of possible evidence numbered more than those cases that went to trial, and thus ones that had documented evidence, at twenty-eight times. The police, after the confession of Kenny Hardwick, confessed to their own manipulation of the news media in order to pressure Hardwick to confess to his daughter's murder.

> Their suspect was stonewalling; physical evidence was nil. So Gwinnett County police say they made a strategic decision that ultimately broke Kenny Hardwick and revealed the secret he had kept for 25 days.
>
> In the days after 7-month old Haley Hardwick disappeared, Gwinnett Police Chief Wayne Bolden and his top advisors worked out their plan: They would turn up the publicity heat on Hardwick until the pressure made him unravel.
>
> "We were thinking, 'He's a suspect, our Number 1 suspect,'" Chief Bolden said. "So we decided in that meeting we would go straight to the press."
>
> The heat was intense. Hardwick was hounded by newspaper, television and radio reporters, whose questions became more and more pointed as they picked apart his incredible tale of unknown burglars and roadside kidnappers. The police fed the frenzy, saying repeatedly that they didn't believe Hardwick and calling him their only suspect.

---

[27] Rob Johnson. "Detective Sift Tips in Hunt for Missing Girl," Atlanta Constitution. July 21, 1992; sec. D, p. 1, col. 1.

> He finally broke early Tuesday, leading police to remote Gwinnett woods where he's left his daughter for dead. He was charged with murdering her.[28]

The numbers and the final confession by the police about their tactics raise a new questions that the Reardon Report failed to address. Should the flow of information be controlled before a suspect is arrested and charged formally with a crime? The Reardon Report makes no distinction and labels no specific point in which material used by the press ceases to be useful for the common good and becomes prejudicial and damaging to the defendant's right to a fair trial. At what time does the balance between the individual's right to a fair trial and the society's right to a free and informative press change? Is a citizen's right to a fair trial damaged or threaten any less before his or her arrest if the public has been saturated with the crime and the suspect's name tied together?

Beyond the new questions above, Kenny Hardwick's confession should not have been announced in the Constitution according to the recommendations of the Reardon and Medina Reports. The past criminal record should not have been printed in violation of the recommendations of the Reardon and Medina Reports.

A second pre-trial publicity example is the suspicion surrounding Fred Tokars' role in his wife's murder. On November 30, 1992, the front page of the Atlanta Constitution read "Wife of Prominent Lawyer Slain as Her 2 Sons Watch: Police Have Few Clues in 'Bizarre Case'."[29] The picture of the pretty, blonde, young woman smiled out from under the horrible headline.

> Sara Tokars, wife of a prominent lawyer and a volunteer at her

---

[28] Rob Johnson. "Police Set Media Trap to Help Trip Hardwick," Atlanta Constitution. July 29, 1992; sec. A, p. 1, col. 5.

[29] Bill Torpy. "Wife of Prominent Lawyer Slain as Her 2 Sons Watch," Atlanta Constitution, December 2, 1992. sec A, p 1, col. 1.

children's school, was killed in her car Sunday night by a nearly pointblank shotgun blast to the head after being abducted from the family's Cobb County home.

Her sons Ricky, 6, and Michael, 4, watched from passenger seats.[30]

The picture of the two small boys under the calm portrait of the home accompanied the above story. Speculation as to the real cause behind the murder began the first day the case was reported in the newspaper. With the title "Burglars Rarely Kill, Police Say,"[31] an article detailed that a disrupted burglary probably was not the motive behind the killing. "Tokars: Many 'Strange Things' About Cobb Slaying"[32] was the headline that followed less than twenty-four hours after the initial break in the case.

"There's a lot of strange things; you can't focus on one thing." But a botched burglary attempt appears to be fading as a scenario. There are no signs of forced entry into the home, police said. The intruder was there late on Sunday night, when people would be expected to return home from holiday trips. Nothing was ransacked. A shotgun usually is not a burglar's tool. . . . Authorities say Mr. Tokars has given police a "cursory interview" about the basic details . . . . Mr. Tokars "is not a suspect at this time," said A. B. Allred chief of the Cobb detective bureau.[33]

---

[30] *Ibid.*

[31] Jack Warner. "Burglars Rarely Kill, Police Say," Atlanta Constitution. December 2, 1992; sec. A, p. 6, col. 3.

[32] Bill Torpy and Mark Curriden. "Tokars: Many 'Strange Things' About Cobb Slaying," Atlanta Constitution. December 2, 1992; sec. C, p. 1, col. 1.

[33] *Ibid.*

All of the above was printed around a stock photo of Mr. Fredric Tokars, who at the time was not a suspect. The story of Fred Tokars' business, past criminal record, and associates became daily reading in the Atlanta Constitution. Possible connections between the killing of his wife and another associates murder in Chicago were developed by the press and the police. The arrest of two associates of Tokars in relation to his wife's murder spurred speculation that Tokars had hired these men to kill his wife. More information came to light when an attorney announced that Mrs. Tokars had seen him about obtaining a divorce. The picture perfect world of this handsome couple was taken apart piece by piece by the press and the police. When Mr. Tokars attempted suicide on Christmas Eve, claiming that he could not live without his wife, the emotional appeal was turned against Tokars by the press. Speculation occurred that Tokars tried to take his life out of guilt. Officially, Tokars is only a suspect. Reporter Mark Pettit explores the feeding frenzy around the Tokar's case in the Constitution's "Forum: The Media and Crime."

> Like most, I am suspicious of Fredric Tokars, but I have tried to temper that suspicion with experience. . . .
>
> To reporters who are competing with police to solve the mystery, I offer a piece of history and advice: Be careful. . . .
>
> When Julie Love disappeared in July 1988, her case quickly became one of the most highly publicized stories in Georgia history. Her body would not be found for more than a year, and the search for her killer was intense. I witnessed firsthand the pressure on police. . . .
>
> Statistics show that 95 percent of murder victims knew the person who killed them. Gradually, I was becoming convinced that Julie

Love was among that number.

> And I wasn't alone. Behind the scenes, investigators were telling me that they, too, had serious suspicions about Mark Kaplan.
>
> Surprised at his [Mark Kaplan, Julie Love's boyfriend] reaction, I grilled every available source close to the Julie Love investigation. Two high-ranking sources implied that something was about to break in the case and that Mr. Kaplan was the prime suspect. . . .
>
> Just days before my story would have led the evening news, the real murderer's girlfriend beat me to the headlines . . . .
>
> Reporters must also remember that police investigators are human and, when necessary, will use the media to deflect criticism from themselves, even if it means casting suspicion on the innocent. . . .
>
> I see Fredric Tokars as a symbol, both of what's right and wrong with the media, and I am troubled. Round-the-clock stakeouts lead to sensational news coverage; facts and evidence lead to the truth. I hope the former won't keep us from the latter.[34]

This case involving Fred Tokars has yet to be solved or come to trial.

Two banner headlines and four front page news stories have been printed in the Atlanta Constitution. The Constitution has printed twenty-three stories prominently in the inside sections and has buried only one story. Of the thirty stories, fifteen have had a picture of the family or Fredric Tokars accompanying it. Though the case has not come to trial, the prosecutor for Cobb County has made twenty-one statements to the Constitution compared to the six statements made by the prosecutor in the Mossler-Powers trial. The defense attorneys, of both suspects and of Mr. Fred Tokars, were quoted forty-three

---

[34] Mark Pettit. "Tokars Case is Reviving Memories of Julie Love," Atlanta Constitution. January 10, 1993; sec. F, p. 2, col. 1.

times compared to the thirteen statements made in the Mossler-Powers trial. The police and the Atlanta authorities were quoted sixty-six times. Background and color commentary coverage occurred thirty-four times in the Atlanta Constitution; the Miami Herald has twenty-seven instances of commentary. Before trial, there have been fifteen interpretations of evidence in the Tokar's case. In the Mossler-Powers trial there were fourteen instances of evidence interpretation. The question of whether Fred Tokars could receive a fair trial, should he be charged, in Cobb County, Georgia brings to question the rights of a citizen before arrest.

In Escobedo v. Illinois 378 U.S. 478 (1964), the Supreme Court extended the right to counsel prior to indictment. Due to the number of confessions that were occurring during the period prior to indictment, the Court determined this period a "stage when legal aide and advice are surely needed."[35] A parallel argument can be formed using this case and the Miranda v. Arizona 384 U.S. 436 (1966) case to extend protection to individuals who are the focus of intense media attention and pressure. The following is quoted from Escobedo twenty-eight years before the Kenny Hardwick or Fredric Tokars cases, however, if the term "police" is replaced with "press", the parallel becomes clear.

> We hold, therefore, that where, as here, the investigation is no longer a general inquiry into an unsolved crime but has begun to focus on a particular suspect, the suspect has been taken into police custody, the police carry out a process of interrogations that lends itself to eliciting incriminating statements, the suspect has requested and been denied an opportunity to consult with

[35] Escobedo v. Illinois, 378 U.S. 478, (1964).

> his lawyer, and the police have not effectively warned him of his absolute constitutional right to remain silent, the accused has been denied "the Assistance of Counsel" in violation of the Sixth Amendment to the Constitution as "made obligatory upon the States by the Fourteenth Amendment," . . . and that no statement elicited by the police during the interrogation may be used against him at a criminal trial.[36]

The question of the individual's rights versus the society's rights is argued in the Miranda case. The Court determined in this case that when an individual is taken into custody or deprived of his freedom by authorities, the privilege against self-incrimination is put in jeopardy. "[T]he Constitution has prescribed the rights of the individual when confronted with the power of government when it provided in the Fifth Amendment that an individual cannot be compelled to be a witness against himself."[37] Again, a parallel can be drawn between the need for protection and identification of rights in the Miranda case and the present need for such protection in the above described cases if one replaces "authorities" with "press".

---

[36] *Ibid.*

[37] Miranda v. Arizona, 384 U.S. 436, (1966).

TABLE III

MIAMI, FLORIDA, *HERALD* COVERAGE
OF THE MOSSLER-POWERS TRIAL

Analysis of the coverage of the Mossler-Powers case from commencement of the trial to report of the verdict (not including other verdict-day stories)

Treatment	
Banner headline	2
Other page one	25
Prominent (first page of inside section)	16
Buried	11
Total	54
Accompanied by photo	34
Percent with photo	63
Sources	
Prosecutor	6
Defense	13
Trial proceedings	42
Other reporting by newspaper	45
Prosecutor	
Comment on jury selection	1
Comment on defense motions	1
Comment on opening arguments	1
Identification of witnesses	1
Discussion of plea negotiation	1
Discussion of related federal suit	1
Defense	
General interviews by defendant	9
Comments by defense attorney	
General	2
Crank letters	1
Plea negotiation	1
Defendants' failure to testify	1
Trial	
Motions at trial	5
Jury selection	11
Arguments to jury	11
Hearings and arguments in absence of jury	16
Evidence presented	21
Jury deliberations	3
Verdict	1
Other Reporting by Newspaper	
Color and background commentary	27
Interpretation of evidence	14
Interviews with judge	
Explanation of jury selection	1
Intention not to sequester	1
Crank mail	1
Reprimand to defendant	1
Interview with victim's brother	2
Discussion of related federal suit	4
Comment in signed columns	5
Photographs in courthouse	29

Chapter VI
Resolutions and Recommendations

The question of cooperation among bench, bar and press and the form it should take haunts the constitutional debate between the free press and fair trial proponents.

> Both sides realize that if they take no action, there looms in the background the possibility that changes will be brought about by statute -- an idea repugnant to the large majority in both professions. . . . Several attempts have been made at the state level, notably in Massachusetts, to restrict the flow of information by law. Although none of these attacks on press freedom have been successful so far, it is impossible to forecast what will happen if press and bar are unable to arrive at some viable solution to the problems which confront them.[1]

"It seems reasonable to say that statements of principle or codes of ethic are the most ready solution."[2] At the state level, more progress had been made in the bench-press cooperation effort at the time of the nationalized codification efforts of the Reardon, Medina, ASNP, or ASNE proposals. "Even prior to the report of the ABA study committee three state agreements had been adopted, in Oregon (1962), in Massachusetts (1963), and in Washington (1966)."[3] "It is considerably more realistic, on the basis of the information

---

[1] Kingsley, p. 5.

[2] Kingsley, p. 5.

[3] Legal Advisory Committee on Fair Trial and Free Press of the American Bar Association. Fair Trial/Free Press Voluntary Agreements. American Bar Association, Legal Advisory

gathered . . ., to look for codes and statements at the state, rather than the national, level."[4] The structure of several of these state voluntary bench-bar codes has proven effective in the battlefield of the above described war over constitutional rights. The remaining question is whether voluntary codes of ethical behavior are as enforceable and effective as association conduct codes or non-voluntary compromises between the two sides of the debate?

The first state to organize bench-bar-press principles was Oregon in 1962. Before the Reardon Report, the principle statement was simply a general declaration of purpose. "It was, in most cases, only after the Reardon Report was released that many states adopted specific statements of permitted and restricted information."[5]

> The typical form of one of these agreements is a preamble followed by the specific standards. The preamble generally affirms the right to freedom of the press and the right of a person to a fair trial. Then a statement is made that the parties to the agreement will try to reconcile these rights in accord with the principles.
>
> Obviously patterned after the Reardon Report, these statements generally prohibit reporting of opinions about the defendant, admissions or confessions, results of tests, statements concerning truthfulness of witnesses or anticipated testimony, and opinions concerning evidence.
>
> However, the states' guides are usually not as definitely

Committee on Fair Trial and Free Press, 1973-1974.

[4] Kingsley, p. 121.

[5] Jane Rae Mauer Doty. A History of Oregon's Pre-Trial Publicity Guidelines and How They Are Used By 20 Daily Newspapers. Thesis, June 1969.

worded as was the Reardon Report. Instead of making the guided unequivocal do's or don'ts, the framers often leave room for disgression depending upon the circumstances in each individual criminal case. Thus, these guides are often worded, "It is usually appropriate to print the following information," or "Disclosure of the following information should be avoided."[6]

The Oregon Bar-Press-Broadcasters Joint Statement of Principles was submitted to the Oregon Bar Association, the Oregon Newspaper Publishers Association, and the Oregon Association of Broadcasters before the release of the Reardon Report. The statement below follows the above quoted formula:

> Oregon's Bill of Rights provides both for fair trials and for freedom of the press. These rights are basic and unqualified. They are not ends in themselves but are necessary guarantors of freedom for the individual and the public's right to be informed. The necessity of preserving both the right to fair trial and the freedom to disseminate the news is of concern to responsible members of the legal and journalistic professions and is of equal concern to the public. At times these two rights appear to be in conflict with each other.
>
> In an effort to mitigate this conflict, the Oregon State Bar, the Oregon Newspaper Publishers Association and the Oregon Association of Broadcasters have adopted the following statement of principles to keep the public fully informed without violating the rights of any individual.
>
> 1. The news media have the right and the responsibility to print and to broadcast the truth.

[6] Doty, p. 11 - 12.

2. However, the demands of accuracy and objectivity in news reporting should be balanced with the demands of fair play. The public has a right to be informed. The accused has the right to be judged in an atmosphere free from undue prejudice.

3. Good taste should prevail in the selection, printing and broadcasting of the news. Morbid or sensational details of criminal behavior should not be exploited.

4. The right of decision about the news rest with the editor or news director. In the exercise of judgment he should consider that:

(a) an accused person is presumed innocent until proven guilty;

(b) readers and listeners are potential jurors;

(c) no person's reputation should be injured needlessly.

5. The public is entitled to know how justice is being administered. However, it is unprofessional for any lawyer to exploit any medium of public information to enhance his side of a pending case. It follows that the public prosecutor should avoid taking unfair advantage of his position as an important source of news; this shall not be construed to limit his obligation to make available information to which the public is entitled.

In recognition of these principles, the undersigned hereby testify to their continuing desire to achieve the best possible accommodation of the rights of the individual and the rights of the public when these two fundamental precepts appear to be in

conflict in the administration of justice.[7]

The document was signed by the Oregon State Bar, the Oregon Newspaper Publishers Association, and the Oregon Association of Broadcasters. How have such voluntary agreements between the bar, the broadcasters, and the newsmen fared in reality. Since all readily agreed to the oblique conditions proposed, then the original framers of the preamble assumed that the conditions would be followed and honored. According to Doty's survey of twenty major newspapers in the state of Oregon in June of 1969, the above assumption was unfounded and failed to materialize. As Doty reported:

> The findings were disappointing. In only four of the twenty daily newspapers in the study did both the editor and reporter know the content of and use the Guidelines. On only two other papers were the reporters familiar with the Guidelines.
>
> The conclusion one must draw is that the Guidelines are being used consciously only on a very limited scale -- at least among Oregon's daily newspapers. . . . Hence, one might ask: "Was the adoption of the Guidelines by the ONPA merely lip service?" Many publishers certainly did not feel them important enough to impress upon their staff members the necessity of knowing and adhering to the Guidelines. In many cases, it appears, the Guidelines were approved by the publishers and did not filter down to the grass roots elements -- the working newsmen. However, the Guidelines themselves are in part to blame for their lack of importance. The wording "rarely appropriate to disclose" leaves open a door by which newsmen might somehow justify inclusion of almost anything in a story.[8]

---

[7] *Ibid*, p. 19 - 21.

The findings of Doty are not surprising if one reads the original debates among the framers of the Oregon statement. Though all had an ideal end in mind, the newspaper representatives refused to allow any specific and definite admonishments of the releasing of potentially prejudicial information to be added to the statement. The difference between suggested guidelines and legally binding restrictions was determined to be the suppression of free speech and free press, not to mention the sacrifice of fair trial. The attitude of the news representatives was best summarized by a working press professional not associated with the Oregon case.

> However, I can assure you one thing, there will not be . . . any agreement with the Bar and Bench regarding pre-trial and during-trial news. We contended that there . . . has been a responsible Press, and will continue to be responsible Press, and it does not need any directive from either the Bar Association or the Bench to tell them how to handle the dissemination of crime news, or court news, in this state. However, we are willing to sit down with them and talk to them and hold our breath until we're blue in the face, if it will help them.[9]

Oregon was not the only state to form committees, which drafted preambles, statements of purpose, or guidelines in the hopes of resolving the conflict between the free press and the right to a fair trial. In Louisiana, specific conditions were listed for both the bar and the press; however, the infamous catch-all phrase "the following should be avoided" took all the power of enforcement out of the document. The idea that "good taste" should prevail over the media's judgment seems to have the legal community bowing to the

---

[8] *Ibid*, p. 99 -100

[9] Kingsley, p. 133.

First Amendment while offering up the Sixth Amendment as a sacrifice to the almighty freedom of the press. At the time of introduction to the Louisiana Bar Association, the Chairman of the Louisiana Press Association referred to the state's "Guide to News Media and Bar Relations" as "harmless enough . . . [so] we gave it our approval. Since the guide was voluntary and not binding, he said, its adoption had been easy."[10]

The state bar-press representative agreements of California, Colorado, New Jersey, New York, North Dakota, and Washington are displayed in the appendix. In none of the codes do the tentative, proposed recommendations have consequences if they are not followed. In California, "to give concrete expression to these principles in newsmen's language the following statement of policy is recommended for *voluntary* adoption by California newspapers and news broadcasters." [Emphasis Added][11] In Colorado, the committee suggests that before determining whether or not to publish material the editor should consider that "such dissemination may impose particular risks when it occurs after the filing of formal charges and as the time of trial approached."[12] New Jersey comes the closest to an official declaration with the following statement: "the press feels that unless very special circumstances dictate otherwise, it is not appropriate to publish prior to trial the following. . . ."[13] "The following information *should not* be made available for publication" is

---

[10] *Ibid*, p. 125.

[11] Joint Declaration Regarding News Coverage of Criminal Proceedings in California. Quoted in Legal Advisory Committee on Fair Trial and Free Press, the American Bar Association. Fair Trial/Free Press Voluntary Agreements. The American Bar Association, 1974. p. 19.

[12] Compact Of Understanding of the Bar and Press of Colorado. Quoted in Legal Advisory Committee on Fair Trial and Free Press, the American Bar Association, p. 22.

[13] Statement of Principles and Guidelines for Reporting of Criminal Procedures. Quoted in Legal Advisory Committee on Fair Trial and Free Press, the American Bar Association, p. 28.

the force with which Washington and New York offer their recommendations. [Emphasis added] [14] "The codes do not, since they are voluntary, force any member to follow any given policy (although they may give that member the feeling that he is morally obligated to do so under normal circumstances) nor do they prevent him from ignoring the guidelines should the circumstances warrant it."[15]

Questions and recommendations listed by Doty in her analysis of the Oregon State Press-Bar Agreements could be applied to all of the above described state press-bar guidelines. The first of the recommendations is the usage of precise language in reference to that which is "prohibited" and that which can be published. "The meaning of 'precise' should be definitely spelled out for those who are to use the Guidelines."[16] Second, "[d]oes pre-trial mean, as The Oregonian contends, in the two or three weeks before the trial or does it mean from the time of arrest to the time the person goes on trial?" In addition to the questionable terms and loopholes built into the association guidelines, Doty also points out that many of the grass-roots journalists had never heard of the guidelines of Oregon, much less the Reardon Report. "These reasons suggest that a means of disseminating the Guidelines with a well-prepared background sheet directly to the working newsmen is needed."[17]

Even with the proposed reforms of Doty, voluntary agreements seem only to pay only lip service to the call for reform and reconciliation in the fair trial - free press debate. If one side of the debate can pick and choose when to pay

---

[14] Free Press - Fair Trial Principles and Guidelines for the State of New York. Fair Trial - Free Free Council of North Dakota. Quoted in Legal Advisory Committee on Fair Trial and Free Press, the American Bar Association, p. 30, 36.

[15] Kingsley, p. 135.

[16] Doty, p. 101.

[17] *Ibid*, p. 102.

attention to the guidelines, then the use of them becomes questionable. Constitutional cases would prevent action restricting press representatives who are charged with contempt by publication. Blanket bans of the press in the case that at some time prejudice might creep into local trial cases cannot be justified or constitutionally defended. The question still remains as to the resolution of the constitutional problem.

The resolution of the debate has already been delivered to the weary associations of the bar, bench and the press. The Reardon Report (or the similar recommendations found in the Medina Report) recommendations, if enforced by the bar and the bench, could balance the constitutional rights that are presently disproportionate. The dissemination of the information is the key to the solution of this dilemma. At a local level, the controlling of district attorneys, police officers, and officers of the court would have a measurable effect. Perhaps trials involving such notorious defendants as Richard Speck, Charles Manson, and Lee Harvey Oswald could not be controlled, but, at the local level, with fewer possible sources of information and a closer scrutiny of those very sources, trials of such manufactured notoriety as Sheppard or even the James Caldwell rape and murder trial could have been tempered.

The press' freedom to investigate would not be restricted or limited. The traditional sources of information would simply be constitutionally controlled. Though the public may have an assumed constitutional right to know, the press does not have the constitutional right to force information from a source. The Reardon recommendations and their control over the courtroom and courtroom proceedings do not violate any present constitutional protection of the press.

Beginning with the period prior to arrest and indictment, the ABA

recommendations do not restrict the media in their pursuit and investigation of information surrounding a crime. The recommendations only "contemplate prompt release of information that a crime has been committed, facts of the crime, that an investigation is under way and its general scope."[18] The identification of an individual as a suspect, especially repeatedly as in the case of Kenny Hardwick, is proscribed by the Committee. The only reasons for the release of a suspect's name would be to warn the public or to solicit public aid in the investigation. The recommendations "do not impinge in any way upon the freedom of the media to expose corruption in administration of public affairs, or to criticize the courts or law enforcement."[19] Finally, in reference to the rights and recommendations outlined by the ABA for potential defendants, investigative tests and examination results are prohibited from being released. Opinions are also proscribed. These same recommendations allow for lawyers to refer the press to public records of the courts or other public agencies. The press becomes the general public. What is available to the public is available to the press, no more, no less.

At the time of arrest and charge specific and pertinent information has been outlined by the Committee to be disseminated to the press. The normal and acceptable reporting of crime news is not hampered, "but merely the official releases of the results of test or statements which may not be admissible at trial."[20] The motivation of the Committee was to prevent the publication of material that, with their reading by potential jurors, circumvents the judicial

---

[18] American Bar Association, Legal Advisory Committee on Fair Trial and Free Press. The Rights of Fair Trial and Free Press: An Information Manual for the Bar, News Media, Law Enforcement Officials and Courts. Chicago: Legal Advisory Committee on Fair Trial and Free Press, ABA, 1969. p. 12.

[19] *Ibid.*

[20] *Ibid.*

system and the exclusionary rule. Confessions, investigative examinations or tests, and personal opinions of the attorneys can prejudice every aspect of the judicial system, and even when excluded officially from the courtroom, the effect can prevent a defendant from having a fair trial.

Pretrial proceedings can be closed to the public at the defendant's request. The ABA recommendations allow for the defendant to waive the public aspect of his arraignment or pretrial hearing in order to maintain a sense of decorum and to prevent outside prejudice. "The court in each instance would decide whether there is a 'substantial likelihood' of interference with fair trial."[21] The guidelines "do not permit the permanent secrecy of any judicial proceeding. Whenever any part of a preliminary hearing is held in chambers or closed to the public and media, the complete record shall be made available at the completion of the trial."[22] The press' fear about secret trials is dispelled with this check on the judicial system. Once again, the bench and the bar are not censoring the press. It is the timing of the information that is detrimental to the fair trial guarantee.

Finally, the reforms of the bench and bar about trial proceedings the trial make it unethical for attorneys to make out-of-court statements about the issues involved in the case unless referring to public records. The bar also provides for changes of venue, "gag orders", sequestering of juries, and contempt citations in order to curb the effect of prejudicial information upon the judicial system.

All of these recommendations, suggestions, and commentaries have been in existence for at least thirty years as separate entities. The resolution to the fair-trial-free-press debate lies with the enforcement of the combination of

[21] *Ibid*, p. 13.

[22] *Ibid*.

those recommendations within the protection of the U.S. Constitution. For example, the "gag order" was supposedly in effect in both the James Caldwell case and the Julie Love case. However, the press still quoted prejudicial information as coming from attorneys, witnesses, and other participants in the cases. If the contempt citation was part of the "gag order" and a consistent enforcement of court silence orders was presented, perhaps the bench orders might be more closely followed. The possible violation of the defendant's right to a speedy trial due to court remedies for "infected proceedings" would be lessened if the bar and bench would take the initiative to enforce, not remedies, but solutions. The controlling of the sources of information is a realistic and legally sound course of action in this debate; however, unless enforcement is a regular occurrence, the theories of resolution will remain theories.

Because the guidelines of the past thirty years have failed to change the *status quo*, my conclusion proposes new set of recommendations. They involve only law enforcement officer, the bar, and the bench. To avoid constitutional issues involving the freedom of the press and the right of every American citizen to know what occurs in the courtrooms, my proposed guidelines do not include contempt actions and control attempts against the media and the printed press. Arguably, the strict enforcement of the following recommendations will prove to be effective enough to reduce the tension and the conflict between fair trial and free press.

The part one of the new suggestions involves recommendations concerning police conduct. Obviously, the police are the prime source of information , and more often than not misinformation, for reporters and new restrictions must address the failures of the old recommendations to plug this "flow of leaks."

First, the following recommendations will come into effect before the arrest of a suspect. As noted in Chapter Five, an individual's right to a fair and

impartial trial used to begin with his or her arrest and/or formal interrogation. The press' extension of coverage to include extensive questioning of potential suspects before arrest has necessitated increased vigilance of the individual's right to a fair trial. As Chapter Five's case studies illustrate, a newspaper's reference to an individual as a "top suspect" or "first suspect on a list of one" suggests guilt even before there is enough evidence to bring charges. This situation seems to guarantee an unfair trial from the start.

Second, the label "police and other authorities" should include badge officers, investigative officers, police spokespersons (civilian or officers), medical examiners, laboratory technicians, and any other authorities involved in the processing of a criminal case. When participating in a local investigation, state and federal agents should be included in the above-defined group.

Third, based upon recommendations from the Reardon Report and the New York Bar Association Report (the Medina Report), the following information should not be disseminated to the press by the police and other authorities:

1. Comments and speculation on the motivation behind a crime;
2. The prior criminal record (including arrests, indictments, or other charges of crime) and the character or reputation of the defendant (or suspect);
3. Existence and details of confessions, admissions of guilt, or any statements made by the suspect or defendant while either in police custody or voluntary visits;
4. Performance and results of any examination or tests of the suspect and the defendant or the refusal of the suspect or defendant to submit to

these tests;

5. Information concerning medial, scientific evidence such as laboratory or ballistics tests or fingerprints;

6. The identification and credibility of any witnesses;

7. The possibility of a plea bargain; and

8. Any speculation as to the suspect's or the defendant's guilt or innocence.

Of the prohibited information listed above, only the prior criminal record is a public document. The rest of the information, which is routinely released to the press, is not even necessary to protect or inform the public. Indeed, the reporting of such information often seems purely based on its entertainment value. The above list does not prohibit basic biographical information (name, age, occupation, marital status, and other personal data not related to the crime or the character of the defendant or suspect) to be given out. At the time of arrest, the circumstances surrounding the arrest (arresting officers, investigating officers, and basic description of the seizure) can be disseminated to the press. However, contrary to the recommendation of the Reardon Report, these recommendations would not allow for the nature, substance, and description of the evidence seized during the arrest to be published. The legal intricacies involving the exclusionary rule and the real possibility of the suppression of some, if not all, of the evidence seized should prevent the press from circumventing this judicial check on the police procedure. In the cases presented from the Atlanta metropolitan area and other recent cases referred to in several state bar-press agreements, there were no instances of the police posing the defendant or suspect for the photographic advantage of the press. However, this too would be a proscribed behavior on the part of the police.

Finally, the enforcement of the above recommendations involving police and other authorities is paramount to them being followed. It has been noted that most of the above recommendations were part of, at one point, one set of recommendations or another. Yet, these recommendations failed to alter the problems they identified. Enforcement is the key. Any violation of the above recommendations should be met with either professional disciplinary action or contempt citations ordered by the courts.

Part two of the recommendations concerns advocate conduct. Attorneys, both prosecuting and defense, have been shown to use the printed news in order to obtain a trial by newspaper. These recommendations are proposed in the hope that litigation by publication will cease to exist.

First, the reforms will be enforced beginning with the assignment of a criminal case to an assistant district or district attorney or the retaining of an attorney for the defense.

Second, attorneys not directly involved in pending litigation are prohibited from making extrajudicial comments or predictions about the legal or sensational aspects of the case. It is recommended that only those directly involved in the case, and only if necessary, comment. The following recommendations apply only to those attorneys.

Third, based upon the recommendations listed in the Reardon Report, the Medina Report, and the American Bar Association's revised Canons of Professional Ethics, the following lists information which should not be disseminated to the press by attorneys involved in pending litigation.

1. Comments and speculation as to the motivation behind a crime;
2. The prior criminal record (including arrests, indictments, or other charges of crime) and the character or reputation of the defendant (or

suspect);

3. Existence and details of confessions, admissions of guilt, or any statements made by the suspect or defendant;

4. Performance and results of any examination or tests of the suspect and the defendant or the refusal of the suspect or defendant to submit to these tests;

5. Information concerning medial, scientific evidence such as laboratory or ballistics tests or fingerprints;

6. The identification and credibility of any witnesses;

7. The possibility of a plea bargain;

8. Any speculation as to the suspect's or the defendant's guilt or innocence;

9. Any reference to any constituted authority as to the guilt or innocence of the defendant or suspect;

10. Any comment on evidence introduced in the proceedings; and

11. Any comment or reference to materials, evidence, or statements excluded as evidence during the trial.

Finally, enforcement of the above restrictions is necessary. The American Bar Association and all state bar associations should professionally discipline those attorneys seeking to practice the art of trial by newspaper. Disbarment procedures should be instigated against those attorneys cited for more than one instance of litigation by publication. The failings of the Canons of Professional Ethics should not be allowed to repeat themselves year after year after year. There has not been a single case of disbarment procedures based upon the violations of Canons 5, 20, and 35. It is time to enforce those rules that were seen fit to be written.

The last section of these recommendations concerns the bench, court

officials and judicial procedure. First, the recommendations would begin with the indictment or arraignment of a suspect and would continue until after sentencing of a guilty defendant.

Second, controls over judicial procedure include within its scope all judicial employees (i.e. clerks, bailiffs, deputy marshals, and all other court personnel) and judges.

Third, the following are the recommendations for the prevention of publicity infecting the courtroom and remedies if such prevention fails.

1. Pretrial hearings can be closed to the public and the press at the request of the defendant. The judge is to be responsible in deciding whether or not there is just cause to remove the general public and the press for fear of judicial interference. (See Branzburg v. Hayes 408 U.S. 665, (1972))

2. The court is to use all available judicial remedies when claims are made based on threatened interference with the right to a fair trial due to excessive publicity. The following are recommended procedures:

A) Change of venue allows for a judge to determine that pretrial publicity has made it difficult or impossible for the accused to obtain a fair trial, and that twelve impartial jurors cannot be found in the county where the crime occurred. The trial may, at the judge's discretion, be moved to another locality;

B) Change of venire is similar to the change of venue except jurors are brought in from another locality, also at the judge's discretion, so their impartiality may be assured;

C) A motion for continuance can be granted by a judge when public sentiment is running high against the accused. The motion is granted to allow time for the prejudicial feelings to subside;

D) A motion waiving a defendant's right to a jury trial can be granted by a judge when a fair and impartial jury is seen, by the defendant and the court, as impossible;

E) Extensive voir dire involves a preliminary examination of one presented as a witness or juror, where his competency, interest, etc., is objected to. The court may challenge or object to an unlimited number of jurymen for "cause" or reason. An additional specified number of "preemptory" challenges are allowed to the prosecution or defense against a certain number of jurors, without assigning any cause;

F) The sequestering of the jury is a court order which removes the members of the jury from the environment of high prejudicial public sentiment and media coverage;

G) Gag orders are court orders prohibiting all those involved in a criminal case from making any out-of-court statements to the press, including references to public documents, matters of fact, or opinion; and

H) Mistrials and the setting aside of a verdict are last resorts for the courts. A mistrial requires that the trial be stopped and a new trial ordered. The setting aside of the verdict simply is the reversal of a jury's verdict by a judge who believes that the verdict was reached with extrajudicial information.

To the criticism that the above "remedies" have proven to be ineffective in the past, it should be noted that the use of the remedies above as a sole solution to the problem of pretrial publicity has doomed them to failure. With the vigorous use of the remedies in connection with the other recommendations, they become a part of a larger solution.

Finally, enforcement of judicial procedure is required so that the

recommendations do not fall on deaf ears. For court officials, contempt citations or removal from judicial positions would seem effective in preventing the dissemination of prejudicial material. For justices, the American Bar Association and state bar associations would have to take the initiative and instigate proceedings against judges who fail continuously to protect their courtroom from extrajudicial interference. It is at this level that the legal community has the greatest control over the environment in which justice is to be served. With the remedies and preventive measures available, the press can be systematically "leashed".

At the practical local level, the dissemination of prejudicial information has been allowed for too long. At the practical local level, the remedies have been ignored for too long. At the practical local level, the right to a fair and impartial trial has been violated for too long.

Bibliography

Books

Abraham, Henry J. Freedom and the Court. 5th ed. New York: Oxford University Press, 1988.

Atwan, Robert, Barry Orton, and William Vesterman, eds. American Mass Media: Industries and Issues. 3rd. New York: Random House, c1986.

Cox, Archibald, Mark DeWolfe Howe, and J.R. Wiggins. Civil Rights, The Constitution, and The Courts. Cambridge: Harvard University Press, 1967.

Defoe, Daniel. An Essay on the Regulation of the Press. London, 1704. Classics of English Legal History in the Modern Era. New York: Garland Publishing, 1978.

de Tocqueville, Alexis. Democracy in America. Mayer, J. P. ed. George Lawrence, trans. New York: Harper & Row Publishers, 1969

Devol, Kenneth. Mass Media and the Supreme Court. New York: Communication Art Books, 1971.

Ericson, Richard V. Representing Order: Crime, Law and Justice in the News Media. Toronto: University of Toronto Press, c 1991.

Felsher, Howard, and Michael Rosen. The Press in the Jury Box. New York: The MacMillian Company, 1966.

Gerald, J. Edward. News of Crime: Courts and Press in Conflict. Westport, CT: Greenwood Press, 1983.

---. The Press and the Constitution, 1931-1947. Minneapolis: University of Minnesota Press, c 1948.

---. The Social Responsibility of the Press. Minneapolis: University of Minnesota Press, c 1963.

Gillmor, Donald. Free Press and Fair Trial. Washington, D.C.: Public Affairs Press, 1966.

Graber, Doris. Crime News and the Public. New York: Praeger, 1980.

Kane, Peter E. Murder, Courts, and the Press: Issues in Free Press/Fair Trial. Carbondale, IL: Southern Illinois University Press, 1932.

Kelly, Patricia A., ed. Police and the Media: Bridging Troubled Waters. Springfield, IL: Thomas Co., c 1987.

Kronenwetter, Michael. Free Press v. Fair Trial: Television and Other Media in the Courtroom. New York: F. Watts, 1986.

Levine, James P. Juries and Politics. Contemporary Issues in Crime and Justice Series. Pacific Grove, CA: Brooks/Cole Pub. Co., c 1992.

Lippman, Walter. Liberty and The News. New York: Harcourt, Brace and Howe, 1920.

Lofton, John. Justice and the Press. Boston: Beacon Press, 1966.

---. The Press as Guardian of the First Amendment. Columbia, SC: University of South Carolina Press, c 1980.

Lotz, Roy Edward. Crime and the American Press. New York: Praeger Series, 1991.

Ludovic, Kennedy. The Airman and the Carpenter. New York: Viking, 1985.

Matthews, Cleve, and William L. Rivers. Ethics for the Media. New Jersey: Prentice Hall, 1988.

Murphy, Timothy R. A Manual for Managing Notorious Cases. Williamsburg, VA: National Center for State Courts, 1992.

Nagel, Stuart S. The Rights of the Accused in Law and Action. Sage Criminal Justice System Annuals, Vol. 1. Beverly Hills, CA: Sage Publications, 1972.

Rivers, William L. Responsibility in Mass Communication. New York: Harper &

Row, 1969.

Shoemaker, Thaddeus. Constitutional Conflict: Free Press - Fair Trial. Sacramento: California State University Press, 1972.

Sullivan, Harold W. Trial by Newspaper. Hyannis, MA: The Patriot Press, 1961.

Taylor, Telford. Perspectives on Justice. Rosenthal Lectures. Evanston, IL: Northwestern University Press, 1975.

---. Two Studies in Constitutional Interpretation. Law Forum Series. Columbus, OH: Ohio State University Press, 1969.

Wilcox, Walter, Fred S. Siebert, and George Hough III. Free Press and Fair Trial: Some Dimensions of the Problem. Chilton R. Bush, ed. Athens, Ga: University of Georgia Press, 1970.

Periodicals

Ainsworth, Robert A., Jr. "Fair Trial - Free Press." Louisiana Bar Journal, 15:7-13, June 1967.

Anderson, Herbert. "Fair Trial - Free Press." Catholic Lawyer, 15:238-47, Summer 1969.

Atkinson, Elliot W., Jr. "Free Press v. Fair Trial: Insulation Against Injustice." Louisiana Law Review, 33: 547-559, Summer 1973.

Barist, Jeffery A. "The First Amendment and Regulation of Prejudicial Publicity - An Analysis." Fordham Law Review, 36: 425-452, March 1968.

Boicourt, Michael. "Pretrial Publicity." Missouri Law Review, 34: 538-561, Fall 1969.

Brown, Edward R. "Fair Trial and Free Press: The ABA Recommendations - A Defense Lawyer's Viewpoint." Western Reserve Law Review, 18:1156-1176, May 1967.

Clayton, Charles C. "The Reardon Report." Grassroots Editors, 9(2): 5-8, March-April 1968.

---. "Standards Relating to Fair Trial and Free Press." Harvard Law Review, 82: 960-966, February 1969.

Cooper, Grant B. "The Rationale of the ABA Recommendations." Notre Dame Lawyer, 42: 857-864, Symposium 1967.

Deitchler, M. Douglas and Howard F. Hahn. "Legal Aspects of the Fair Trial and Free Press Controversy: The Reardon Report Considered." Nebraska Law Review, 48: 1045-1088, 1969.

Engleman, Stephen B. "First Amendment Prospective: The Gag Rule and Free Speech." Chicago-Kent Law Review, 51: 597-611, 1974.

Figg, Robert, Jr. "Free Press versus Fair Trial." Arkansas Law Review, 22: 607-620, Fall 1968.

Hentoff, Nat. "Are There Any Defenses Against a Free Irresponsible Press?" Social Policy, 7: 51-53, May-June 1976.

---. "Free Press/Fair Trial." Civil Liberties, 293: 4-5, February 1973.

Kirkpatrick, Clayton. "Free and Fair." Chicago Bar Record, 50: 139-143, December 1968.

Kirtz, William. "For the Record: A Reporter's View of the Media-Bar Relationship." New England Law Review, 11: 371-381, Spring 1976.

Lahey, John H. "Restrictions on Dissemination of Information in Criminal Trials." Ohio State Law Journal, 31: 388-393, Spring 1970.

Landau, Jack C. "Fair Trial and Free Press: A Due Process Proposed." American Bar Association Journal, 62: 55-60, January 1976.

Law, Thomas, and Joseph Kramer. "The Reality of a Fair Trial in a Democratic Society." Journal of Urban Law, 47:399-426, 1969-1970.

Lofton, John. "Pretrial Crime News: To Curb or Not to Curb?" Current History, 61: 71-74, 112, August 1971. (Reprinted in Rod Holngren and William Norton,

eds., The Mass Media Book, pp. 63-70).

Mollenhoff, Clark R. "Meeting the Reardon Report at the Local Level." Bulletin of the American Society of Newspaper Editors, 59: 7, 15, May 1968.

Moye, Robert J. *et al.* "The American Bar Association Suggests an Answer to the Fair Trial - Free Press Dilemma." Duke Law Journal, 1967: 589-631, 1967.

Murray, J. Edward. "Pretrial Reporting: Hardly One of the Real Obstacles to Fair Trial.' Bulletin of the American Society of Newspaper Editors, 514:9-11, December 1967.

Nizer, Louis. "Headlines vs. Justice: Can We Have a Fair Trial and a Free Press at the Same Time?" Journal of Beverly Hills Bar Association, 2(9): 18-23, October 1968.

Oliver, Richard, and Burton B. Roberts. "Free Press vs. Fair Trial." Senior Scholastic, 108:30-31, 23 March 1976.

Pollock, Merle and Fred Cohen. "Problems of Pretrial Publicity." Criminal Law Bulletin, 11:335-349, May-June 1975.

Ragan, Samuel T. "Fair Trial with a Free Press: The Reardon Report Revisited." Tennessee Law Review, 37: 215-219, Fall 1969.

Rawlings, Maurice E. "A Constitutional Balance Between Fair Trials and Free Press." Drake Law Review, 17: 1-10, December 1967.

Reardon, Paul C. "Fair Trial - Free Press." Marquette Law Review, 52: 547-560, Winter 1969.

Rendleman, Douglas. "Free Press - Fair Trial: The Review of Silence Orders." North Carolina Law Review, 52:127-164, November 1973.

Riley, Samuel G., III. "Pretrial Publicity: A Field Study." Journalism Quarterly, 50: 17-23, Spring 1973.

Ruane, Don. The ABA and the Gag Guidelines. Columbia, Mo., Freedom of Information Center, School of Journalism, University of Missouri at Columbia, 1976. 8p. (Report no. 348)

Schad, Lawrence W. "The News and the Accused." Prospectus, 3: 95-138, December 1969.

Schwartz, Louis B. "Review of American Newspaper Publisher's Association's *Free Press and Fair Trial* and the American Bar Association's *Standards Relating to Fair Trial and Free Press*." University of Pennsylvania Law Review, 116:1118-1124, April 1968. (Reprinted in The Bulletin of the American Society of Newspaper Editors, November 1968.)

Shapiro, David L. "Background and Development of the Recommendations of the American Bar Association Advisory Committee on Fair Trial and Free Press." Oklahoma Law Review, 22: 127-134, May 1969.

Stern, Carl. "Free Press - Fair Trial: The Role of the News Media in Developing and Advancing Constitutional Processes." Oklahoma Law Review, 29: 347-360, Spring 1976.

Tauro, G. Joseph. "Fair Trial - Free Press Revisited." American Bar Association Journal, 55:417-419, May 1969.

Taylor, Telford. "Press and Prejudice: The Impact of News on Justice." Proceedings of the American Philosophical Society, 112:121-125, 15 April 1968.

Weschler, James A. "Free Press versus Fair Trial." Progressive, 29(3): 18-21, March 1965.

Weclew, Robert G. "Fair Trial - Equal in Value to Free Press." DePaul Law Review, 16: 353-373, Spring-Summer 1967.

Will, Hubert. "A Free Press and Fair Trial." Mississippi Law Journal, 40: 495-506, October 1969.

Wright, Donald R. "Fair Trial and Free Press: Practical Ways to Have Both." Judicature, 54: 377-382, April 1971.

Professional Association Publications

American Bar Association. Canons of Professional Ethics, Rules for Civil Procedure. Chicago: Matindale-Hubbell, Inc., 1966.

---. Judicial Canon 35: Conduct of Court Proceedings. Chicago: American Bar Association, May, 1958.

American Bar Association, Advisory Committee on Fair Trial and Free Press. Standards Relating to Fair Trial and Free Press. New York: Institute of Judicial Administration, 1966.

American Bar Association, Legal Advisory Committee on Fair Trial and Free Press. Fair Trial, Free Press: Voluntary Agreements. Chicago: Legal Advisory Committee on Fair Trial and Free Press, ABA, c 1974.

---. The Rights of Fair Trial and Free Press: An Information Manual for the Bar, News Media, Law Enforcement Officials, and Courts. Chicago: Legal Advisory Committee on Fair Trial and Free Press, ABA, c 1969.

American Enterprise Institute for Public Policy Research. The Press and the Courts: Competing Principles. AEI Forum, October 3, 1978. Washington: The Institute, c 1978.

American Society of Newspaper Editors, American Newspaper Publishers Association Foundation. Free Press & Fair Trial. Washington, D.C.: ANPA Foundation, c 1982.

Association of the Bar of the City of New York, Special Committee on Radio, Television, and the Administration of Justice. Freedom of the Press and Fair Trial, Final Report with Recommendations. New York: Columbia University Press, 1967.

Twentieth Century Fund, Task Force on Justice, Publicity, and the First Amendment. Rights in Conflict. New York: McGraw-Hill, c 1976.

Warren Commission. The Report of the President's Commission on the Assassination of President John F. Kennedy. Washington, D.C.: United States Government Printing Office, 1964.

Unpublished Materials

Doty, Janet R. M. A History of Oregon's Pre-Trial Publicity Guidelines and How They Are Used by 20 Daily Newspapers. Eugene, OR., University of Oregon, 1969. 127p. (Unpublished Master's thesis)

Kingsley, Robert G. An Historical Study of Cooperation Between Press and Bar Associations. Columbia, MO., University of Missouri at Columbia, 1967. 148p. (Unpublished Master's thesis)

Parker, Eugene. Fair Trial and Free Press: Balancing Two Fundamental Rights. Athens, GA., University of Georgia, 1969, 99p. (Unpublished Master's thesis).

Riley, Samuel G., III. The Free Press - Fair Trial Controversy: A Discussion of the Issues Involved and an Examination of Pretrial Publicity by Survey Research. Chapel Hill, N.C., University of North Carolina, 1970. 230p. (Ph.D. dissertation, University Microfilms, no 71-11740).

Yarbrough, Tinsley E. Fair Trial Versus Free Press: Trial Publicity and Procedural Due Process. University, AL., University of Alabama, 1967. (Ph.D. dissertation, University Microfilms, no. 68-1075).

United States Supreme Court Cases

Allen v. United States, (1924, CA7Ind), cert den 267 US 597.

Beck v. Washington, 369 US 541, (1962)

Bridges v. California, 314 US 252, (1941).

Chambers v. Florida, 309 US 227, (1940).

Cox v. Louisiana, 379 US 559, (1965).

Craig v. Harney, 331 US 367, (1947).

Escobedo v. Illinois 378 US 478, (1964).

Estes v. Texas, 381 US 532, (1965).

In Re Oliver, 333 US 257, (1948)

Irvin v. Dowd, 366 US 717, (1961).

Marshall v. United States, 360 US 310, (1959)

Miranda v. Arizona 384 US 436, (1966).

Patterson v. Colorado, 205 US 454, (1907).

Pennekamp v. Florida, 328 US 331, (1946).

Reynolds v. United States, 98 US 145, (1879).

Rideau v. Louisiana, 373 US 723, (1963).

Sheppard v. Florida, 341 US 50, (1951)

Sheppard v. Maxwell, 384 US 333, (1966).

Stroble v. California, 343 US 181, (1952)

Spies v. Illinois, 123 US 131, (1887)

U.S. v. Barr, 25 F. Cas, 55 76-87 (No. 14,693) (C.C.D. Va. 1807).

Newspapers

Atlanta Constitution

Miami Herald

New York Times

St. Louis Post-Dispatch

The Washington Post

in the absence of such restraint, no steps that can be taken will effectively ensure the preservation of the right to a fair trial.

There need be no basic incompatibility in the application of the first and sixth amendments separately or in tandem. It remains for all concerned to make a sincere effort to prove that fact—an effort which will require sustained cooperation and interchange. For that price, all of our rights and liberties can be made the more secure.

This is our spirit and this our hope as we respectfully submit these recommendations.

PART I. RECOMMENDATIONS RELATING TO THE CONDUCT OF ATTORNEYS IN CRIMINAL CASES

1.1 Revision of the Canons of Professional Ethics.

It is recommended that the Canons of Professional Ethics be revised to contain the following standards relating to public discussion of pending or imminent criminal litigation:

It is the duty of the lawyer not to release or authorize the release of information or opinion for dissemination by any means of public communication, in connection with pending or imminent criminal litigation with which he is associated, if there is a reasonable likelihood that such dissemination will interfere with a fair trial or otherwise prejudice the due administration of justice.

With respect to a grand jury or other pending investigation of any criminal matter, a lawyer participating in the investigation shall refrain from making any extrajudicial statement, for dissemination by any means of public communication, that goes beyond the public record or that is not necessary to inform the public that the investigation is underway, to describe the general scope of the investigation, to obtain assistance in the apprehension of a suspect, to warn the public of any dangers, or otherwise to aid in the investigation.

From the time of arrest, issuance of an arrest warrant, or the filing of a complaint, information, or indictment in any criminal matter until the commencement of trial or disposition without trial, a lawyer associated with the prosecution or defense shall not release or authorize the release of any extrajudicial statement, for dissemination by any means of public communication, relating to that matter and concerning:

(1) The prior criminal record (including arrests, indictments, or other charges of crime), or the character or reputation of the defendant, except that the lawyer may make a factual statement of the defendant's name, age, residence, occupation, and family status, and if the defendant has not been apprehended, may release any information necessary to aid in his apprehension or to warn the public of any dangers he may present;
(2) The existence or contents of any confession, admission, or statement given by the defendant, or the refusal or failure of the defendant to make any statement;
(3) The performance of any examinations or tests or the defendant's refusal or failure to submit to an examination or test;
(4) The identity, testimony, or credibility of prospective witnesses, except that the lawyer may announce the identity of the victim if the announcement is not otherwise prohibited by law;
(5) The possibility of a plea of guilty to the offense charged or a lesser offense;
(6) The defendant's guilt or innocence or other matters relating to the merits of the case or the evidence in the case, except that the lawyer may announce the circumstances of arrest, including time and place of arrest, resistance, pursuit, and use of weapons; may announce the identity of the investigating and arresting officer or agency and the length of the investigation; may make an announcement, at the time of the seizure, describing any evidence seized; may disclose the nature, substance, or text of the charge, including a brief description of the offense charged; may quote from or refer without comment to public records of the court in the case; may announce the scheduling or result of any stage in the judicial proc-

ess; may request assistance in obtaining evidence; and, on behalf of his client, may announce without further comment that the client denies the charges made against him.

During the trial of any criminal matter, including the period of selection of the jury, no lawyer associated with the prosecution or defense shall give or authorize any extrajudicial statement or interview, relating to the trial or the parties or issues in the trial, for dissemination by any means of public communication, except that the lawyer may quote from or refer without comment to public records of the court in the case.

After the completion of a trial or disposition without trial of any criminal matter, and while the matter is still pending in any court, a lawyer associated with the prosecution or defense shall refrain from making or authorizing any extrajudicial statement for dissemination by any means of public communication if there is a reasonable likelihood that such dissemination will affect judgment or sentence or otherwise prejudice the due administration of justice.

Nothing in this Canon is intended to preclude the formulation or application of more restrictive rules relating to the release of information about juvenile or other offenders, to preclude the holding of hearings by legislative, administrative, or investigative bodies, or to preclude any lawyer from replying to charges of misconduct that are publicly made against him.

1.2 Rule of court.

In any jurisdiction in which Canons of Professional Ethics have not been adopted by statute or court rule, it is recommended that the substance of the foregoing section be adopted as a rule of court governing the conduct of attorneys.

1.3 Enforcement.

It is recommended that violation of the standards set forth in section 1.1 shall be grounds for judicial and bar association reprimand or for suspension from practice and, in more serious cases, for disbar-

ment or punishment for contempt of court. It is further recommended that any attorney or bar association be allowed to petition an appropriate court for the institution of contempt proceedings, and that the court have discretion to initiate such proceedings, either on the basis of such a petition or on its own motion.

PART II. RECOMMENDATIONS RELATING TO THE CONDUCT OF LAW ENFORCEMENT OFFICERS AND JUDICIAL EMPLOYEES IN CRIMINAL CASES

2.1 Rule of court relating to disclosures by law enforcement officers.

It is recommended that the following rule be promulgated in each jurisdiction by the appropriate court:

Release of information by law enforcement officers.

From the time of arrest, issuance of an arrest warrant, or the filing of any complaint, information, or indictment in any criminal matter within the jurisdiction of this court, until the completion of trial or disposition without trial, no law enforcement officer subject to the jurisdiction of this court shall release or authorize the release of any extrajudicial statement, for dissemination by any means of public communication, relating to that matter and concerning:

(1) The prior criminal record (including arrests, indictments, or other charges of crime), or the character or reputation of the defendant, except that the officer may make a factual statement of the defendant's name, age, residence, occupation, and family status, and if the defendant has not been apprehended, may release any information necessary to aid in his apprehension or to warn the public of any dangers he may present;

(2) The existence or contents of any confession, admission, or statement given by the defendant, or the refusal or failure of the defendant to make any statement;

(3) The performance of any examinations or tests or the defendant's refusal or failure to submit to an examination or test;

(4) The identity, testimony, or credibility of prospective witnesses, except that the officer may announce the identity of the victim if the announcement is not otherwise prohibited by law;

(5) The possibility of a plea of guilty to the offense charged or a lesser offense;

(6) The defendant's guilt or innocence, or other matters relating to the merits of the case or the evidence in the case, except that the officer may announce the circumstances of arrest, including the time and place of arrest, resistance, pursuit, and use of weapons; may announce the identity of the investigating and arresting officer or agency and the length of the investigation; may make an announcement, at the time of the seizure, describing any evidence seized; may disclose the nature, substance, or text of the charge, including a brief description of the offense charged; may quote from or refer without comment to public records of the court in the case; may announce the scheduling or result of any stage in the judicial process; and may request assistance in obtaining evidence.

The court may, in its discretion, initiate proceedings for contempt for violation of this rule, either on its own motion or on the petition of any person.

Nothing in this rule is intended to preclude any law enforcement officer from replying to charges of misconduct that are publicly made against him, to preclude any law enforcement authority from issuing rules not in conflict herewith on this or related subjects, to preclude any law enforcement officer from participating in any legislative, administrative, or investigative hearing, or to supersede any more restrictive rule governing the release of information concerning juvenile or other offenders.

For purposes of this rule, the term 'law enforcement officer' includes any person employed or retained by any governmental agency to assist in the investigation of crime or in the apprehension or prosecution of persons suspected of or charged with crime.

2.2 Departmental rules.

It is recommended that law enforcement authorities in each juris-

diction promulgate an internal regulation (1) embodying the prohibitions of the preceding section and (2) directing that releases not prohibited by that section be withheld during the relevant period if the information would be highly prejudicial and if public disclosure would serve no significant law enforcement function. It is further recommended that such agencies adopt the following internal regulations:

(a) A regulation governing the release of information, relating to the commission of crimes and to their investigation, prior to the making of an arrest or the filing of formal charges. This regulation should establish appropriate procedures for the release of information. It should further provide that, when a crime is believed to have been committed, pertinent facts relating to the crime itself may be made available but the identity of a suspect prior to arrest and the details of investigative procedures shall not be disclosed except to the extent necessary to assist in the apprehension of the suspect, to warn the public of any dangers, or otherwise to aid in the investigation.

(b) A regulation prohibiting (i) the deliberate posing of a person in custody for photographing or televising by representatives of the news media and (ii) the interviewing by representatives of the news media of a person in custody unless he requests an interview in writing after being adequately informed of his right to consult with counsel.

(c) A regulation providing for the enforcement of the foregoing by the imposition of appropriate disciplinary sanctions.

2.3 Rule of court relating to disclosures by judicial employees.

It is recommended that a rule of court be adopted in each jurisdiction prohibiting any judicial employee from disclosing, to any unauthorized person, information relating to a pending criminal case that is not part of the public records of the court and that may tend to interfere with the right of the people or of the defendant to a fair trial. Particular reference should be made in this rule to the nature and result of any argument or hearing held in chambers or otherwise outside the presence of the public and not yet available to the public under the standards in section 3.1 and section 3.5(d) of these recommenda-

tions. Appropriate discipline, including proceedings for contempt, should be provided for infractions of this rule.

PART III. RECOMMENDATIONS RELATING TO THE CONDUCT OF JUDICIAL PROCEEDINGS IN CRIMINAL CASES

3.1 Pretrial hearings.

It is recommended that the following rule be adopted in each jurisdiction by the appropriate court:

Motion to exclude public from all or part of pretrial hearing.

In any preliminary hearing, bail hearing, or other pretrial hearing in a criminal case, including a motion to suppress evidence, the defendant may move that all or part of the hearing be held in chambers or otherwise closed to the public on the ground that dissemination of evidence or argument adduced at the hearing may disclose matters that will be inadmissible in evidence at the trial and is therefore likely to interfere with his right to a fair trial by an impartial jury. The motion shall be granted unless the presiding officer determines that there is no substantial likelihood of such interference. With the consent of the defendant, the presiding officer may take such action on his own motion or at the suggestion of the prosecution. Whenever under this rule all or part of any pretrial hearing is held in chambers or otherwise closed to the public, a complete record of the proceedings shall be kept and shall be made available to the public following the completion of trial or disposition of the case without trial. Nothing in this rule is intended to interfere with the power of the presiding officer in any pretrial hearing to caution those present that dissemination of certain information by any means of public communication may jeopardize the right to a fair trial by an impartial jury.

3.2 Change of venue or continuance.

It is recommended that the following standards be adopted in each jurisdiction to govern the consideration and disposition of a motion

in a criminal case for change of venue or continuance based on a claim of threatened interference with the right to a fair trial.

(a) Who may request.

Except as federal or state constitutional provisions otherwise require, a change of venue or continuance may be granted on motion of either the prosecution or the defense.

(b) Methods of proof.

In addition to the testimony or affidavits of individuals in the community, which shall not be required as a condition to the granting of a motion for change of venue or continuance, qualified public opinion surveys shall be admissible as well as other materials having probative value.

(c) Standards for granting motion.

A motion for change of venue or continuance shall be granted whenever it is determined that because of the dissemination of potentially prejudicial material, there is a reasonable likelihood that in the absence of such relief, a fair trial cannot be had. This determination may be based on such evidence as qualified public opinion surveys or opinion testimony offered by individuals, or on the court's own evaluation of the nature, frequency, and timing of the material involved. A showing of actual prejudice shall not be required.

(d) Same; time of disposition.

If a motion for change of venue or continuance is made prior to the impaneling of the jury, the motion shall be disposed of before impaneling. If such a motion is permitted to be made, or if reconsideration or review of a prior denial is sought, after the jury has been selected, the fact that a jury satisfying prevailing standards of acceptability has been selected shall not be controlling if the record shows that the criterion for the granting of relief set forth in subsection (c) has been met.

(e) Limitations; waiver.

It shall not be a ground for denial of a change of venue that one such change has already been granted. The claim that the venue should have been changed or a continuance granted shall not be con-

sidered to have been waived by the waiver of the right to trial by jury or by the failure to exercise all available peremptory challenges.

3.3 Waiver of jury.

In those jurisdictions in which the defendant does not have an absolute right to waive a jury in a criminal case, it is recommended that the defendant be permitted to waive whenever it is determined that (1) the waiver has been knowingly and voluntarily made, and (2) there is reason to believe that, as a result of the dissemination of potentially prejudicial material, the waiver is required to increase the likelihood of a fair trial.

3.4 Selecting the jury.

It is recommended that the following standards be adopted in each jurisdiction to govern the selection of a jury in those criminal cases in which questions of possible prejudice are raised.

(a) Method of examination.

Whenever there is believed to be a significant possibility that individual talesmen will be ineligible to serve because of exposure to potentially prejudicial material, the examination of each juror with respect to his exposure shall take place outside the presence of other chosen and prospective jurors. An accurate record of this examination shall be kept, by court reporter or tape recording whenever possible. The questioning shall be conducted for the purpose of determining what the prospective juror has read and heard about the case and how his exposure has affected his attitude towards the trial, not to convince him that he would be derelict in his duty if he could not cast aside any preconceptions he might have.

(b) Standard of acceptability.

Both the degree of exposure and the prospective juror's testimony as to his state of mind are relevant to the determination of acceptability. A prospective juror who states that he will be unable to overcome his preconceptions shall be subject to challenge for cause no matter how slight his exposure. If he has seen or heard and remembers information that will be developed in the course of trial, or that may be

inadmissible but is not so prejudicial as to create a substantial risk that his judgment will be affected, his acceptability shall turn on whether his testimony as to impartiality is believed. If he admits to having formed an opinion, he shall be subject to challenge for cause unless the examination shows unequivocally that he can be impartial. A prospective juror who has been exposed to and remembers reports of highly significant information, such as the existence or contents of a confession, or other incriminating matters that may be inadmissible in evidence, or substantial amounts of inflammatory material, shall be subject to challenge for cause without regard to his testimony as to his state of mind.

(c) Source of the panel.

Whenever it is determined that potentially prejudicial news coverage of a given criminal matter has been intense and has been concentrated primarily in a given locality in a state (or federal district), the court shall have authority to draw jurors from other localities in that state (or district).

3.5 Conduct of the trial.

It is recommended that the following standards be adopted in each jurisdiction to govern the conduct of a criminal trial when problems relating to the dissemination of potentially prejudicial material are raised.

(a) Use of the courtroom.

Whenever appropriate in view of the notoriety of the case or the number or conduct of news media representatives present at any judicial proceeding, the court shall ensure the preservation of decorum by instructing those representatives and others as to the permissible use of the courtroom, the assignment of seats, and other matters that may affect the conduct of the proceeding.

(b) Sequestration of jury.

Either party shall be permitted to move for sequestration of the jury at the beginning of trial or at any time during the course of the trial, and, in appropriate circumstances, the court shall order sequestration on its own motion. Sequestration shall be ordered if it is de-

termined that the case is of such notoriety or the issues are of such a nature that, in the absence of sequestration, highly prejudicial matters are likely to come to the attention of the jurors. Whenever sequestration is ordered, the court in advising the jury of the decision shall not disclose which party requested sequestration.

(c) Cautioning parties and witnesses; insulating witnesses.

Whenever appropriate in light of the issues in the case or the notoriety of the case, the court shall instruct parties and witnesses not to make extrajudicial statements, relating to the case or the issues in the case, for dissemination by any means of public communication during the course of the trial. The court may also order sequestration of witnesses, prior to their appearance, when it appears likely that in the absence of sequestration they will be exposed to extra-judicial reports that may influence their testimony.

(d) Exclusion of the public from hearings or arguments outside the presence of the jury.

If the jury is not sequestered, the defendant shall be permitted to move that the public be excluded from any portion of the trial that takes place outside the presence of the jury on the ground that dissemination of evidence or argument adduced at the hearing is likely to interfere with the defendant's right to a fair trial by an impartial jury. The motion shall be granted unless it is determined that there is no substantial likelihood of such interference. With the consent of the defendant, the court may take such action on its own motion or at the suggestion of the prosecution. Whenever such action is taken, a complete record of the proceedings from which the public has been excluded shall be kept and shall be made available to the public following the completion of the trial. Nothing in this recommendation is intended to interfere with the power of the court, in connection with any hearing held outside the presence of the jury, to caution those present that dissemination of specified information by any means of public communication, prior to the rendering of the verdict, may jeopardize the right to a fair trial by an impartial jury.

(e) Cautioning jurors.

In any case that appears likely to be of significant public interest,

an admonition in substantially the following form shall be given before the end of the first day if the jury is not sequestered.

During the time you serve on this jury, there may appear in the newspapers or on radio or television reports concerning this case, and you may be tempted to read, listen to, or watch them. Please do not do so. Due process of law requires that the evidence to be considered by you in reaching your verdict meet certain standards—for example, a witness may testify about events he himself has seen or heard but not about matters of which he was told by others. Also, witnesses must be sworn to tell the truth and must be subject to cross-examination. News reports about the case are not subject to these standards, and if you read, listen to, or watch these reports, you may be exposed to misleading or inaccurate information which unduly favors one side and to which the other side is unable to respond. In fairness to both sides, therefore, it is essential that you comply with this instruction.

If the process of selecting a jury is a lengthy one, such an admonition shall also be given to each juror as he is selected. At the end of each subsequent day of the trial, and at other recess periods if the court deems necessary, an admonition in substantially the following form shall be given:

For the reasons stated earlier in the trial, I must remind you not to read, listen to, or watch any news reports concerning this case while you are serving on this jury.

(f) Questioning jurors about exposure to potentially prejudicial material in the course of the trial; standard for excusing a juror.

If it is determined that material disseminated during the trial raises serious questions of possible prejudice, the court may on its own motion or shall on motion of either party question each juror, out of the presence of the others, about his exposure to that material. The method of examination shall be the same as that recommended in section 3.4(a), above. The standard for excusing a juror who is challenged on the basis of such exposure shall be the same as the standard of acceptability recommended in section 3.4(b), above, except that a juror who has seen or heard reports of potentially prejudicial material shall be excused if the material in question would furnish grounds for a mistrial if referred to in the trial itself.

3.6 Setting aside the verdict.

It is recommended that, on motion of the defendant, a verdict of guilty in any criminal case be set aside and a new trial granted whenever, on the basis of competent evidence, the court finds a substantial likelihood that the vote of one or more jurors was influenced by exposure to an extrajudicial communication of any matter relating to the defendant or to the case itself that was not part of the trial record on which the case was submitted to the jury. Nothing in this recommendation is intended to affect the rule in any jurisdiction as to whether and in what circumstances a juror may impeach his own verdict or as to what other evidence is competent for that purpose.

PART IV. RECOMMENDATIONS RELATING TO THE EXERCISE OF THE CONTEMPT POWER

4.1 Limited use of the contempt power.

The use of the contempt power against persons who disseminate information by means of public communication, or who make statements for dissemination, can in certain circumstances raise grave constitutional questions. Apart from these questions, indiscriminate use of that power can cause unnecessary friction and stifle desirable discussion. On the other hand, it is essential that deliberate action constituting a serious threat to a fair trial not go unpunished and that valid court orders be obeyed. It is therefore recommended that the contempt power should be used only with considerable caution but should be exercised in at least the following instances, in addition to those specified in sections 1.3, 2.1, and 2.3, above:

(a) Against a person who, knowing that a criminal trial by jury is in progress or that a jury is being selected for such a trial:

(i) disseminates by any means of public communication an extrajudicial statement relating to the defendant or to the issues in the case that goes beyond the public record of the court in the case, if the statement is reasonably calculated to affect the outcome of the trial and seriously threatens to have such an effect; or

(ii) makes such a statement with the expectation that it will be so disseminated.

(b) Against a person who knowingly violates a valid judicial order not to disseminate until completion of the trial or disposition without trial, specified information referred to in the course of a judicial hearing from which the public is excluded under sections 3.1 or 3.5(d) of these recommendations.

4.2 Reimbursement of defendant.

In the event that a mistrial or change of venue is granted or a conviction set aside, as a result of an extrajudicial statement held to be in contempt of court, it is recommended that the court have the authority to require that all or part of the proceeds of any fine be used to reimburse the defendant for the additional legal fees and other expenses fairly attributable to the order that the case be tried in a different venue or tried again in the same venue.

Appendix A

Texts of Selected Representative State Agreements

JOINT DECLARATION REGARDING NEWS COVERAGE OF CRIMINAL PROCEEDINGS IN CALIFORNIA

STATEMENT OF PRINCIPLES

The bench, bar and news media of California recognize that freedom of the press and the right to fair trial, as guaranteed by the First and Sixth Amendments to the Constitution of the United States, sometimes appear to be in conflict. They believe, however, that if the principles of fair trial and free press are applied responsibly in accord with high professional ethics, our society can have fair trials without limiting freedom of the press.

Accordingly, the following principles are recommended to all members of the bar and the press in California.

1. The news media have the right and responsibility to gather and disseminate the news, so that the public will be informed. Free and responsible news media enhance the administration of justice. Members of the bench, the bar, and the news media should cooperate, consistent with their respective ethical principles, in accomplishing the foregoing.

2. All parties to litigation, including the state, have the right to have their causes tried fairly by impartial tribunals. Defendants in criminal cases are guaranteed this right by the Constitutions of the United States and the State of California.

3. Lawyers and journalists share with the court responsibility for maintaining an atmosphere conducive to fair trial.

4. The news media and the bar recognize the responsibility of the judge to preserve order in court and to conduct proceedings in such a manner as will serve the ends of justice.

5. Editors in deciding what news to publish should remember that:
   (a) An accused person is presumed innocent until proved guilty.
   (b) Readers, listeners, and viewers are potential jurors or witnesses.
   (c) No person's reputation should be injured needlessly.

6. No lawyer should use publicity to promote his version of a pending case. The public prosecutor should not take unfair advantage of his position as an important source of news. These cautions shall not be construed to limit a lawyer's making available information to which the public is entitled. Editors should be cautious about publishing information received from lawyers who seek to try their cases in the press.

7. The public is entitled to know how justice is being administered, and it is the responsibility of the press to give the public the necessary information. A properly conducted trial maintains the confidence of the community as to the honesty of its institutions, the competence of its public officers, the impartiality of its judges, and the capacity of its criminal law to do justice.

8. Journalistic and legal training should include instruction in the meaning of constitutional rights to a fair trial, freedom of the press, and the role of both journalist and lawyer in guarding these rights.

9. A committee of representatives of the bar, the bench, and the news media, aided when appropriate by representatives of law enforcement agencies and other interested parties, should meet from time to time to review problems and to promote understanding of the principles of fair trial and free press. Its purpose may include giving advisory opinions concerning the interpretations and application of these principles.

These principles have been endorsed, as of February 15, 1970, by the following: The State Bar of California, California Freedom of Information Committee, California Newspaper Publishers Association, California Broadcasters Association, Radio and TV News Directors, and the Executive Board of the Conference of California Judges.

STATEMENT OF POLICY

To give concrete expression to these principles in newsmen's language the following statement of policy is recommended for voluntary adoption by California newspapers and news broadcasters.

Our objective is to report the news and at the same time cooperate with the courts to assure the accused a fair trial.

Protection of the rights of an accused person or a suspect does not require restraint in publication or broadcast of the following information:

- His or her name, address, age, residence, employment, marital status, and similar background information.
- The substance or text of the charge, such as complaint, indictment, information and, where appropriate, the identity of the complainant.
- The identity of the investigating and arresting agency, and the length of investigation where appropriate.
- The circumstances surrounding an arrest, including the time and place, resistance, pursuit, possession and use of weapons, and a description of items seized.

Accuracy, good conscience, and an informed approach can provide nonprejudicial reporting of crime news. We commend to our fellow newsmen the following:

Avoid deliberate editorialization, even when a crime seems solved beyond reasonable doubt. Save the characterizations of the accused until the trial ends and guilt or innocence is determined.

Avoid editorialization by observing these rules:

- Don't call a person brought in for questioning a suspect.
- Don't call a slaying a murder until there's a formal charge.
- Don't say solution when it's just a police accusation or theory.
- Don't let prosecutors, police or defense attorneys use us as a sounding board for public opinion or personal publicity.

Exercise care in regard to publication or broadcast of purported confessions. An accused person may repudiate and thereby invalidate a confession, claiming undue pressure, lack of counsel, or some other interference with his rights. The confession then may not be presented as evidence and yet have been read by the jurors, raising the question whether they can separ-

ate the confession from evidence presented in court. If you do use a "confession" call it a statement and let the jury decide whether the accused really confessed.

In some circumstances, as when a previous offense is not linked in a pattern with the case in question, the press should not publish or broadcast the previous criminal record of a person accused of a felony. Terms like "a long record" should generally be avoided. There are, however, other circumstances—as when parole is violated—in which reference to a previous conviction is in the public interest.

Records of convictions and prior criminal charges which are matters of public record are available to the news media through police agencies or court clerks. Law enforcement agencies should make such information available to the news media upon appropriate inquiry. The public disclosure of this information by the news media could be prejudicial without any significant contribution toward meeting the public need to be informed. The publication or broadcast of such information should be carefully considered.

In summary:

This Statement of Policy is not all-inclusive; it does not purport to cover every subject on which a question may arise with respect to whether particular information should be published or broadcast. Our objective is to report the news and at the same time cooperate with the courts to help assure the accused a fair trial. Caution should therefore be exercised in publishing or broadcasting information which might result in denial of a fair trial.

JUDICIAL COUNCIL ACTION

(The Judicial Council at its May, 1970 meeting approved the following recommendations:

((1) That when appropriate the Chairman of the Judicial Council designate representatives to participate in joint committees, such as those contemplated by paragraph 9 of the Statement of Principles, "to review problems and to promote understanding of the principles of fair trial and free press."

((2) In order to give recognition to the Joint Declaration, and to bring it to the attention of the judiciary, the Judicial Council added to the "Standards for Judicial Administration, Section 2, Duties of Presiding Judge," the following new subsection, effective July 1, 1970:

(Sec. 2. Duties of presiding judge

(In superior and municipal courts the presiding judge should: . . .

((p) when appropriate, meet with or designate a judge or judges to meet with any committee of the bench, bar and news media to review problems and to promote understanding of the principles of fair trial and free press, under paragraph 9 of the "Joint Declaration Regarding News Coverage of Criminal Proceedings in California," as approved for submission on January 16, 1970, and adopted by the State Bar of California and the California Freedom of Information Committee.)

COMPACT OF UNDERSTANDING OF THE BAR AND PRESS OF COLORADO

PREAMBLE

The Bar and the Press of Colorado, comprising all lawyers and representatives of all media of mass communication:

(a) Recognize that freedom of the press is a fundamental liberty guaranteed by the First Amendment of the Constitution of the United States and that this basic freedom must be zealously preserved and responsibly exercised.

(b) Recognize that the right to a fair trial for an accused is a fundamental liberty implicitly guaranteed by several of the amendments of the Constitution of the United States and that this basic freedom must be zealously preserved. The concept of fair trial must be predicated on a presumption of innocence.

(c) Recognize that the right to a public trial is a fundamental liberty guaranteed by the Sixth Amendment to the Constitution of the United States and that this basic freedom must be zealously preserved.

(d) Recognize that members of a free society have the right to acquire and impart information about their mutual interests. The unfettered flow of information, consistent with the principles of the Constitution and this Preamble, is essential if that society is to be free. The right to disseminate information should be exercised with discretion when public disclosures might jeopardize the ends of justice.

To promote a better understanding between the Bar and the Press of Colorado, particularly in their efforts to support the Constitutional guarantees of freedom of the Press, and the right to a fair, impartial and public trial, the following statement of principles, mutually drawn and submitted for voluntary compliance, is recommended to all members of these professions in Colorado.

PRINCIPLES

1. The Press has the right, responsibility and obligation to report the truth. A free and responsible Press enhances the administration of justice. Members of the Bar, within their canons of ethics, should cooperate with the Press in reporting the administration of justice.

2. Parties to litigation have the right to have their causes tried fairly by an impartial tribunal. Defendants in criminal cases are guaranteed this right by the Constitutions of the United States and the State of Colorado.

3. No trial should be influenced by pressures from the Press or from public clamor, and the Bar and the Press share the responsibility to prevent the creation of such pressures.

4. All members of the Press should strive for objectivity and accuracy. The public has a right to be informed. The accused has a right to be judged in an atmosphere free from undue prejudice.

5. The Bar and the Press recognize that it is the responsibility and obligation of the judge to preserve order in the court and to seek the ends of justice.

6. Decisions about the handling of the news rest with editors, but in the execution of his news judgment the editor should remember:

(a) An accused person is presumed innocent until proven guilty.

(b) Readers and listeners and viewers are potential jurors.

(c) No person's reputation should be injured needlessly.

7. The public, which is ultimately responsible for the administration of justice, is entitled to know how justice is being administrated. No member of the Bar should exploit any medium of public information to enhance his side of a pending case. The public prosecutor should avoid taking improper advantage of his position as a public official and an important source of news; this shall not be construed to limit his obligation to make available any information to which the public is entitled.

8. Proper journalistic and legal training, both academic and on-the-job, should include in-

struction in the meaning of Constitutional rights to a fair trial and freedom of the press, and the role of the Press and the Bar in guarding these rights.

INTENT

It is the intent of the Bar and the Press in Colorado to establish an active liaison committee:
(a) For the achievement of the principles enunciated in this Compact of Understanding.
(b) To provide for the mutual education of each profession in the concerns and obligations of the other.
(c) As a forum in which specific problems can be aired as promptly as they arise, and through which recommendations can be transmitted for the voluntary consideration of interested and involved parties.

GUIDELINES FOR THE REPORTING OF PROCEEDINGS

Criminal Guidelines

Great news interest may be engendered during the pretrial stage of a criminal case. It is then that the maximum attention often is received and the greatest impact may be made upon the public. During that time, when the possibility of danger to a fair trial may be great, the Bar and the Press must exercise good judgment to prevent the release of possibly prejudicial information, especially on the eve of trial. However, these considerations are not necessarily applicable once a jury has been empaneled. It is inherent in the concept of freedom of the press that the Press be free to report what occurs in public proceedings, such as criminal trials. In the course of the trial it is the primary responsibility of the bench to take appropriate measures to ensure that the deliberations of the jury are based upon what is presented to the jury in court.

These guidelines are proposed as a means of assuring both the public's right to be informed and the accused's right to a fair and public trial before an impartial jury.

1. It is appropriate to make public the following information concerning the defendant:

(a) The defendant's name, age, residence, employment, marital status, and similar background information. There should be no restraint on biographical facts other than accuracy, good taste and judgment.
(b) The text of the charge, such as the complaint, information and indictment, and, where appropriate, the identity of the complaining party.
(c) The identity of the investigating and arresting agency and the length of the investigation.
(d) The circumstances immediately surrounding an arrest, including, but not limited to, the time and place of the arrest, resistance, pursuit, possession and use of weapons, and a description of items seized at the time of arrest.

2. It is the duty of the law enforcement agency to solve and prevent crime. It is the duty of the press to inform, promptly and accurately. It is the duty of counsel, both defense and prosecution, to seek the truth within the confines of a fair trial. It is in the fulfillment of these duties that these professions sometimes may seem to be in conflict.

An editor, who must ultimately make the decision whether to publish or broadcast, should weigh these varying responsibilities, as well as the fact that certain types of information may create dangers of prejudice without serving a significant law enforcement or public interest function. Such dissemination may impose particular risks when it occurs after the filing of formal charges and as the time of trial approaches. It is emphasized that these guidelines are not intended to excuse a law enforcement agency from releasing proper information to the public.

Opinion, Confession

With these considerations in mind, categories of information which may jeopardize the rights of a defendant, if published, include:

(a) Opinions about a defendant's character, his guilt or innocence.
(b) Admissions, confessions, or the contents of a statement attributed to a defendant.
(c) References to the results of investigative procedures, such as fingerprints, polygraph

examinations, ballistics tests, or laboratory tests.

(d) Statements concerning the credibility or anticipated testimony of prospective witnesses.

(e) Opinions concerning evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be used at trial.

Exceptions may be in order if information to the public is essential to the apprehension of a suspect, or where other public interests will be served.

Stories reviewing the entire history of a criminal case, disseminated just prior to trial, should be avoided whenever possible.

Prior Record

3. Prior criminal charges and convictions are matters of public record and are available to the Press through police agencies, court clerks, and the files of the Press. Law enforcement agencies should make such information available to the Press after a legitimate inquiry. The public disclosure of this information may be prejudicial, particularly if it occurs after the filing of formal charges and as the time of trial approaches, and should be carefully considered.

4. Photographers, still and film.

(a) Photographs of a suspect may be released by law enforcement personnel in response to a legitimate request by the Press.

(b) Law enforcement and court personnel should not prevent the photographing of suspects or defendants when they are in public places outside the courtroom.

(c) The taking of photographs in a courtroom is governed by rules of the court.

(d) The possible effect on the fair trial of a defendant by the dissemination of photographs of the suspect should be considered by editors in the light of these guidelines.

5. The press is free to report what occurs in the course of the judicial proceeding itself, subject to rules of the court.

6. Nothing in these guidelines should inhibit a law enforcement agency from disclosing such information as may be necessary to enlist public assistance in apprehending fugitives from justice. Such information may include photographs, records of prior arrests and convictions, and results of investigative procedures.

Juvenile Guidelines

Responsibility for the dissemination of information and developing public understanding of law enforcement with respect to juveniles must be shared by the Bar and the Press, in order to maintain public confidence and support for the juvenile court system. In addition, the Bar and Press recognize that for the accused a fair trial in most juvenile proceedings necessarily implies an opportunity to benefit from the guidance and rehabilitation efforts which are the central purpose of such proceedings. These guidelines are proposed as a means of assuring both the public's right to be informed and the juvenile's right to fair and proper treatment.

1. The basic principles of fairness and cooperation summarized in the Compact of Understanding of the Bar and the Press of Colorado and the Guidelines for the Reporting of Criminal Proceedings apply to juvenile proceedings.

2. No additional restrictions are proposed on the reporting of juvenile crime, except to the extent that public identification of individual juvenile offenders may deny them a fair opportunity to benefit from the programs established by the juvenile courts. Thus, in cases involving minor offenses or where in the editor's judgment no clear public purpose would be served by such disclosure, the identity of the children involved should not be published. The same principle also applies to family matters and determinations of status which are within the jurisdiction of juvenile courts, such as adoption, relinquishment and dependency proceedings. Exceptions may be in order if necessary to apprehend a suspect or if otherwise in the public interest.

3. Juvenile proceedings and records should be open to the Press, except as specifically prohibited by law or court decision. The Bar and the Press urge the courts to make available promptly full information concerning actions taken in proceedings which are closed to the public.

4. In all cases of Press inquiry, the text of the charge; the complaining party, where appropriate; the identity of the investigating and arresting agency and the length of the investigation; and the circumstances surrounding an arrest should be made public.

5. In publicizing juvenile matters, the Press should give consideration to the views of the courts and their officers.

6. Nothing in these guidelines should inhibit a law enforcement agency in releasing proper information to the Press.

Civil Guidelines

Civil proceedings make up the bulk of court business, and the Bar and the Press must share the responsibility of disseminating information and developing public understanding to maintain confidence in and support for the court system. These guidelines are proposed as a means of assuring both the public's right to be informed and the orderly administration of justice.

1. The basic principles of fairness, objectivity and accuracy summarized in the Compact of Understanding of the Bar and the Press of Colorado apply to civil proceedings.

2. The chief sources of pre-trial information on civil matters are the files of the court, including pleadings, interrogatories, depositions, affidavits and orders. These official files in civil actions and probate matters should be open to the Press, except as specifically prohibited by law or court decision.

3. Judges and lawyers are urged to cooperate with the Press in explaining technical legal points so that they may be interpreted truthfully by the Press and the public may understand their significance. Care should be exercised to provide balanced reports on civil matters, so as to avoid contributing to the denial of a fair trial.

4. Jurors summoned to decide questions of civil liability or damages should be free from public clamor or special influences. The release of possibly prejudicial information, especially on the eve of trial, should be avoided.

Committee Rules

1. Name: The name of this organization shall be the Colorado Bar-Press Committee.

2. Purposes: The purposes of this Committee shall be to give effect to the Statement of Intent set forth in The Compact of Understanding of the Bar and the Press of Colorado, and in connection therewith to encourage cooperation and understanding between the professions of law and journalism in Colorado; to prepare, revise and disseminate, subject to approval of the respective professional organizations represented by members of the Committee, the "Compact of Understanding of the Bar and the Press of Colorado," and whatever guidelines are needed for its implementation; to provide for the mutual education of each profession in the concerns and obligations of the other and to serve as a forum in which specific problems and complaints can be aired as promptly as they arise, and through which recommendations can be transmitted for the voluntary consideration of interested and involved parties.

3. Membership: The Committee shall have twelve members, six of whom shall be designated by the Colorado Bar Association ("Bar members"), three by the Colorado Press Association, and three by the Colorado Broadcasters Association (Collectively, "Press members"). The Judicial Administrator of the State of Colorado and the principal salaried executives of the Colorado Bar Association, Colorado Press Association, and Colorado Broadcasters Association shall be invited to attend all meetings of the Committee and participate in its proceedings, but shall not vote upon any matters presented to the Committee for determination. The organizations entitled to designate members of the Committee are sometimes collectively referred to herein as the "Associations."

(a) The members appointed by the Colorado Bar Association shall include the President of the Denver Bar Association, or a person designated by him to represent the Denver Bar Association who shall be satisfactory to the President of the Colorado Bar Association. The members designated by the Colorado Press Association shall include one person designated by the *Denver Post* and one person designated by the *Rocky Mountain News*.

(b) Members of the Committee, other than the member designated annually to represent the Denver Bar Association, shall serve for terms of three years each. Their terms shall be staggered so that the terms of four members expire each year. Four of the members, including the representative of the Denver Bar Association, initially designated to serve on the Committee shall be deemed appointed for one-year terms, four for two-year terms, and four for three-year terms, as agreed upon by the Committee. No member may serve more than two consecutive terms.

4. Officers: The officers shall be a Chairman and a Vice Chairman, who shall be elected from the Committee's membership, and a Secretary-Treasurer, who may be a member of the Committee or a paid executive of one of the Associations designating members of the Committee. They shall be elected annually to serve one-year terms. The chairmanship and vice chairmanship shall be rotated annually between the Bar and the Press. One of such officers shall be a member designated by the Bar and one by the Press.

(a) Except as otherwise provided herein, actions of the officers shall be subject to approval, amendment or rejection by the Committee, and actions of the Committee shall be subject to similar review by the Associations designating members thereof, in accordance with the appropriate procedures governing actions by committees of such Associations.

Regular Business

5. Meetings: The Committee shall meet annually in March to elect officers and conduct any other business before the Committee. Additional meetings may be called by any of the officers, or by any three members of the Committee for the conduct of any business other than the election of officers or amendment of these Rules.

6. Quorum: A quorum for the transaction of business at any meeting shall consist of six members of the Committee present in person, at least three of whom shall be Bar members and three of whom shall be Press members.

7. Voting: The Bar members as a group and the Press members as a group shall have one vote each on all matters acted upon by the Committee. The vote of each group shall be cast in accordance with the decision of a majority of the Bar members and the Press members, respectively, who are present at the meeting. As the purpose of the Committee is to obtain voluntary compliance by the Bar and the Press with its recommendations on matters of mutual interest, no action shall be taken by the Committee which does not receive the affirmative vote of a majority of both the Bar members and the Press members present at the meeting.

8. Expenses: The Committee may incur necessary and appropriate expenses in connection with its meetings and other activities subject to approval and authorization thereof by the Associations in accordance with their respective procedures.

9. Associate and Advisory Committee: The Committee may appoint an Associate and Advisory Committee of not less than 5 and not more than 30 members to participate in the activities of the Committee to the extent and in the manner determined by the Committee from time to time. The principal purposes of the Associate and Advisory Committee shall be to assist in informing the groups represented by its members of the activities and programs of the Committee, to participate and assist in the educational and other programs of the Committee, and to participate from time to time in the discussion of any problems of mutual interest to the Bar, the Press, and related professions.

(a) In selecting the membership of the Associate and Advisory Committee, consideration shall be given to seeking representatives of various other interested groups whose members include lawyers, journalists and allied professions, including, without limitation, the faculties of schools of law and journalism, associations of judges, prosecuting and defense attorneys, law enforcement officers, news wire services, and other related professional associations and groups.

10. Forums: The Committee may conduct forums and programs at appropriate intervals for members of the Associate and Advisory Committee and other interested persons, at which the activities of the Committee may be reviewed and matters of mutual interest discussed. It is the present hope of the Associations that such forums will be held annually.

Filing Complaints

11. Complaints, etc.: Communications to the Committee from members of the Associations, including complaints about and requests for interpretations of the Compact and Guidelines, should be forwarded to the respective officers of the Associations for transmittal to the appropriate officer or member of the Committee.

12. Vacancies: Any vacancy on the Committee coming to the attention of the officers shall be immediately called to the attention of the appropriate Association with the request that an appointment be made without delay for the remainder of the vacant term.

13. Duties of Officers: The Chairman or, in his absence, the Vice Chairman or a chairman pro tem, shall preside at all meetings of the Committee. The officers shall perform such other

duties as may be necessary or appropriate to further the purposes for which the Committee was organized and as custom and parliamentary usage may require. The Secretary-Treasurer shall perform the duties usual to such an office including the keeping of minutes, financial and other Committee records and files, and the receipt and initiation of official correspondence.

14. Notice of Meetings: Notice of the time and place of each meeting of the Committee shall be communicated by mail, telephone, or in person to each member a reasonable time in advance of the meeting. To the extent practicable or convenient, the purpose of the meeting shall be stated in the notice.

15. Amendments: These rules may be amended at any meeting of the Committee; provided, however, that no amendment shall become effective until it has been approved by the Associations in accordance with any applicable procedures governing committees of such Associations.

SUPREME COURT OF NEW JERSEY

The attached Statement of Principles and Guidelines for the Reporting of Criminal Procedures having been drafted by this Court's Committee on Press Relations in conjunction with the New Jersey Press Association's Committee on the Courts; and said Committees having recommended that this Court approve and adopt this Statement of Principles and Guidelines; and the same having been approved and adopted by the New Jersey Press Association: it is hereby

ORDERED that the attached Statement of Principles and Guidelines for the Reporting of Criminal Procedures be and hereby is approved; said approval and adoption, however, being on the condition and with the express understanding that such action does not and is not intended to preclude any defendant or the State in any case from raising any question with respect to prejudicial publicity, nor to preclude the consideration or review by this Court or any other court of any such question so raised, even though such publicity may have been appropriate under these principles and guidelines.

For the Court,
C.J.

Dated: March 8, 1971

STATEMENT OF PRINCIPLES AND GUIDELINES FOR REPORTING OF CRIMINAL PROCEDURES

PRINCIPLES

The Judiciary, the Bar and the Press of New Jersey are equally concerned in (a) maintaining the rights of individuals subject to the State's criminal process throughout the course of that process, and (b) the right of the public to be informed fully and objectively concerning the operations of law enforcement agencies and the proper, lawful dispensation of justice. It is, therefore, jointly recognized:

1. Freedom of the Press is one of the fundamental liberties guaranteed by the First Amendment of the Constitution of the United States. This basic freedom must be preserved and responsibly exercised.

2. The presumption of innocence for those accused of crime until there has been a finding of guilt in the courts is a principle which must be zealously protected. Both the Press and those Public Officials responsible from initial investigation to ultimate prosecution and decision must share responsibility for preserving this inherent and constitutionally protected presumption.

3. It is fundamental to a free society for its members to acquire and disseminate information about all segments of society, provided such information does not endanger basic rights of individuals or national defense and security. However, there are rare circumstances when the national concern is so great that a responsibile Press must use careful discretion in weighing the merits of the rights of a particular individual against the rights of all society.

4. The Press has the right and the responsibility to support the free flow of information consistent with the principles stated above. A free and responsibile Press enhances the administration of justice and, therefore, the Judiciary, Bar and law enforcement agencies should cooperate with the Press in the reporting of matters dealing with the administration of justice.

5. Parties to litigation have a right to a fair and impartial trial and no trial should be influenced by the pressure of publicity. The Judiciary, the Bar and the Press share a responsibility to accomplish such purposes. Justice to be achieved must be justice accomplished in a reverent responsibility on the part of the Judiciary, the Bar and the Press to the fundamental teachings of the First and Sixth Amendments of the United States Constitution.

6. Respect for the judicial process, the administration of justice and the freedom of the press is a goal of not only the Judiciary, the Bar and the Press, but of all citizens—these principles are adopted to that end.

GUIDELINES

1. The following information in any criminal procedure should be made available for the use of the Press:

(a) The defendant's name, age, residence, occupation, marital status and similar background information, and unless inappropriate, the identity of the complaining party.

(b) The text of the charge, such as the complaint, information and indictment.

(c) The identity of the investigation and arresting personnel and agency and the length of the investigation.

(d) The circumstances immediately surrounding the arrest, including but not limited to the time and place of arrest, resistance if any, pursuit, possession and nature and use of weapons and ammunition by the suspect and by the police.

(e) The circumstances surrounding bail, whether it was permitted, whether it was posted, and the amount.

2. The Press feels that unless very special circumstances dictate otherwise, it is not appropriate to publish prior to trial the following:

(a) Opinions about a defendant's guilt or innocence.

(b) Admissions, confessions, or the contents of a statement attributed to the defendant, or his refusal to make an admission, confession or statement.

(c) References to the results of investigative procedures such as fingerprints; polygraphic, ballistics or laboratory tests; wire taps, or electronic surveillance; or refusal to take such tests.

(d) Statements concerning the credibility or anticipated testimony of prospective witnesses.

(e) Opinions concerning evidence or argument in the case whether or not it is anticpated that such evidence or argument will be used at the trial except where information is essential to the apprehension of a suspect, or to warn the public of danger, or to otherwise aid in an investigation.

(f) The possibility of a plea of guilty to the offense charged or to a lesser offense, or other disposition.

3. A criminal charge and conviction are matters of public record and the court records thereof are available for public inspection. However, such information might be prejudicial especially as the time for trial approaches and should be carefully considered prior to publication, except where public safety and security may be involved.

4.(a) Photographs of an unapprehended suspect may be released on proper request.

(b) Law enforcement and court personnel should neither encourage nor discourage the photographing of suspects or defendants when they are in public places other than the courthouse. In no event should the accused be photographed in a posed position. The Guidelines issued by the Administrative Office of the Courts, September 5, 1968, apply.

5. The Press is free to report any judicial public proceeding, except that any evidence excluded by the court at a hearing outside of the jury's presence shall not be published until after the trial is concluded. The court has the right to hold a portion of the trial outside the presence of a jury.

A complete record of the proceedings from which the public has been excluded shall be kept and made available to the public following completion of the trial, unless otherwise ordered by the court.

6. During the course of the trial the Press should not publish opinion or editorial comment which might tend to influence judge or jury.

7. Nothing in these Guidelines should inhibit law enforcement agencies from disclosing information necessary to enlist public assistance in the apprehension of a fugitive from justice or in the interest of public security. Nothing herein is intended to supersede any existing more restrictive rule governing the release of information concerning juveniles or other offenders. The controlling court rule of court (*R.* 5:9-1) establishes the guidelines.

8. Accessibility of Public Records.

In order that civil litigation be fairly reported, it is of paramount importance that there be free access to public records, and it is the responsibility of the Judiciary, the Bar and the Press to see that such records are clearly open to the public.

Except where confidentiality is specificially provided for by statute or court rule, all records which must be maintained by law are clearly open to the public. Any effort by an individual or group to suppress or conceal a public record should be resisted and exposed by the Judiciary, Bar and Press.

FREE PRESS—FAIR TRIAL PRINCIPLES AND GUIDELINES FOR THE STATE OF NEW YORK

THE NEW YORK FAIR TRIAL FREE PRESS CONFERENCE

MEMBERS

New York State Society of Newspaper Editors
New York State Publishers Association, Inc.
New York Press Association
New York State Associated Press Association
The New York Times
The New York Post
The Long Island Press
United State Judges
New York State Bar Association
Association of Supreme Court Justices of the State of New York
County Judges Association of the State of New York
Association of Judges of the Family Court
New York State Association of Magistrates
United States Attorneys
District Attorneys Association State of New York
New York State Defenders Association
New York State Association of Chiefs of Police
New York State Sheriffs' Association

ASSOCIATE MEMBERS

State Administrator, Judicial Conference
New York State Commissioner of Corrections
United Press International
Deadline Club of Sigma Delta Chi

OBSERVERS

American Broadcasting Company
National Broadcasting Company News
Newsday
New York News
New York State Broadcasters Association

PRINCIPLES

Freedom of the press is guaranteed by the First Amendment of the Constitution of the United States.

The right to a speedy and public trial by an impartial jury is guaranteed in criminal cases by the Sixth Amendment.

The New York State bar, bench, law enforcement agencies and news media, as represented by the organizations that have signed this document, recognize and uphold these guarantees and grant them equal validity.

They also recognize the right of the public in a democratic society to be informed about crime, law enforcement and the administration of justice. and the right, in general, to have trials openly conducted.

While the news media recognize the responsibility of the judge to preserve order in the court and seek the ends of justice by all those means available to him, decisions about handling the news rest with the editors, who, in the exercise of news judgments, should remember that:

(a) An accused person is presumed innocent until proven guilty.

(b) Accused persons and civil litigants are entitled to be judged in an atmosphere free from passion, prejudice and sensationalism.

(c) Readers, listeners and viewers are potential jurors.
(d) No one's reputation should be injured needlessly.

GUIDELINES IN CRIMINAL CASES

The proper administration of justice is the concern of the judiciary, bar, the prosecution, law enforcement personnel, news media and the public. None should relinquish its share in that concern. None should condone injustices on the ground that they are infrequent.

1. When and after an arrest is made, the following information should be made available for publication:
(a) The accused's name, age, residence, employment, marital status and similar background information.
(b) The substance or text of the charge such as a complaint, indictment, information and, where appropriate, the identity of the complainant.
(c) The identity of the investigating and arresting agency and length of the investigation.
(d) The circumstances immediately surrounding the arrest, including the time and place of arrest, resistance, pursuit, possession and use of weapons and a description of items seized at the time of arrest.

2. The release of certain types of information by law enforcement personnel, the bench and bar and the publication of this information by news media may tend to create dangers of prejudice without serving a significant law enforcement or public interest function. Therefore, all concerned should be aware of the dangers of prejudice in making pretrial disclosure of the following:
(a) Statements as to the character or reputation of an accused person or a prospective witness.
(b) Admissions, confessions or the contents of a statement or alibi attributable to an accused person.
(c) The performance or results of tests or the refusal of the accused to take a test.
(d) Statements concerning the credibility or anticipated testimony of prospective witnesses.
(e) The possibility of a plea of guilty to the offense charged or to a lesser offense, or other disposition.
(f) Opinions concerning evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be used at trial.

3. Prior criminal charges and convictions are matters of public record and are available to the news media. Police and other law enforcement agencies should make such information available to the news media on request. The public disclosure of this information by the news media may be highly prejudicial without any significant addition to the public's need to be informed. The publication of such information should be carefully considered by the news media.

4. Law enforcement and court personnel should not prevent the photographing of defendants when they are in public places outside the courtroom. They should neither encourage nor discourage pictures or televising but they should not pose the accused.*

5. Photographs of a suspect may be released by law enforcement personnel provided a valid law enforcement function is served thereby. It is proper to disclose such information as may be necessary to enlist public assistance in apprehending fugitives from justice. Such disclosure may include photographs as well as records of prior arrests and convictions.

6. Particular care should be taken not to disseminate prejudicial information, including information adduced in pretrial hearings and closed hearings, when a trial is approaching or is underway and the information is likely to be seen or heard by potential jurors.

*Rule 20.5 of the Administrative Board of the Judicial Conference incorporates this paragraph with the added statement that:

"The foregoing shall not be construed as a limitation upon the responsibility and authority of . . . the administrative judges to formulate and effectuate such reasonable rules as may be necessary and proper to ensure that the coverage permitted shall respect the dignity, decorum and safety of the Courthouse and the proper conduct of court business therein."

7. Once a trial has begun, the news media may report anything done or said in open court provided that any statement or matter excluded from evidence is described as having been so excluded. When matter or statements are excluded from evidence outside of the presence of the jury, disclosure may be highly prejudicial without any significant addition to the public's need to be informed. The publication of such information should be carefully considered by the news media.

8. No one should make, publish or broadcast a statement designed to influence, forecast or prejudge the outcome of a trial. Accused persons, however, should have the privilege of issuing denials of allegations made against them.

. These guidelines are intended to protect the right to a speedy and public trial by an impartial jury, not to prevent the press from inquiring into and reporting on the integrity, fairness, efficiency and effectiveness of law enforcement and the administration of justice.

GUIDELINES ON THE REPORTING OF JUVENILE PROCEEDINGS

1. The basic principles of fairness and cooperation between the Family Court and the news media should apply in the handling of juvenile matters, maintaining due regard for the scope and nature of such proceedings and the central purposes of guidance and rehabilitation to which such proceedings are directed.

2. The term juvenile should be construed to include those persons under the age of sixteen charged with acts of delinquency and those male persons under the age of sixteen and female persons under the age of eighteen charged with acts relating to a person in need of supervision as such terms are defined by the Family Court Act. Juveniles also include those persons who are objects of proceedings involving matters of support, neglect, custody, adoption, paternity and family offenses.

3. The disclosure of information by law enforcement agencies concerning juvenile matters shall be governed by appropriate provisions of the Family Court Act.

4. The news media are free to publish information concerning or involving juveniles secured from independent sources prior to the institution of juvenile court proceedings, exercising due discretion and good taste and having due regard for the views of the parties or agencies involved. The disclosure of the identity of any juvenile should be made only when permitted by statute and when a clear public purpose would be served by such disclosure. Greater latitude should be permitted where the involvement of the juvenile is merely collateral to an adult proceeding.

5. In reporting juvenile court proceedings the names and identifying data of juvenile respondents should be published only with the concurrence and permission of the judge presiding. Records of any such proceeding shall be open to public inspection only with the court's consent and as permitted by statute.

6. Confidential reports, including probation reports, social and clinical evaluations and reports of other auxiliary services prepared for the court's use shall not be open for public inspection except with the express consent of the court.

7. Following the disposition of a juvenile proceeding, the news media shall be entitled to information thereof, without naming or identifying the juvenile involved. Recitation, however, of the circumstances surrounding the proceeding, identity of the law enforcement agency involved and the length and nature of the investigation, together with the ultimate charge shall be permitted.

GUIDELINES ON THE REPORTING OF CIVIL PROCEEDINGS

Coverage of civil cases before and during trial involve the same risk to the administration of justice as the reporting of criminal cases. Parties in civil cases, including cases having special news value because of public interest in the subject matter, are as much entitled to a fair trial by an unbiased jury as are the parties to a criminal proceeding. Jurors summoned to decide questions of civil liability or damages should be free from public clamor and special influences.

Coverage of civil cases should be balanced so that both sides of the case are reported. It is unfair to report only a portion of the facts of the case as though they were the only facts. All steps in civil litigation proceed without regard to deadline and, accordingly, reporting of only

an aspect of a case to meet a deadline may give the public a distorted view.

A fair and balanced coverage requires that media follow up in a subsequent report with the other side of the story. Media should be wary of contrived information the effect of which would be to influence potential jurors as to liability or amount of damages.

In order that civil litigation, as well as other matters in the public interest, be fully reported, it is of paramount importance that there be free access to public records, and it is the responsibility of the bench, the bar, and the press to see that such records are clearly open to the public.

GUIDELINES ON ACCESSIBILITY OF PUBLIC RECORDS

Except where confidentiality is specifically provided for in statutes, all records which must be maintained by law are clearly open to the public. Any effort by an individual or group to suppress or conceal a public record should be resisted and exposed by the bench, bar, and press.

RULES OF PROCEDURE OF NEW YORK FAIR TRIAL—FREE PRESS CONFERENCE

1. Name

The name of this organization shall be New York Fair Trial-Free Press Conference.

2. Purposes

The purposes of this organization are:

(a) To serve as a forum for discussion concerning publicity about civil and criminal trials and the processes of law enforcement.

(b) To encourage cooperation among the professions of journalism, law, and law enforcement and the education of members of each profession to the concerns and obligations of the other.

(c) To prepare, and encourage voluntary adherence by members of both professions to, a Statement of Principles and Guidelines relating to news reporting of civil, criminal and juvenile proceedings and law enforcement processes, and to prepare and publish, or cause to be prepared and published, articles, pamphlets and books relating thereto.

(d) To encourage the formation of regional and local counterparts of this organization with like purposes and functions.

(e) To work for the establishment by schools of journalism and law within the state of one or more jointly run courses concerning fair trial and free press which shall be open to students from either discipline, and to encourage research by such schools in areas of law, journalism, psychology and sociology related to that field.

3. Membership

(a) There shall be two classes of membership: voting and associate. An associate member shall be entitled to attend and participate in discussion at any meeting of the organization and may serve on organization committees, but shall not be required to pay dues and shall not be entitled to vote at organization meetings.

(b) There shall be one voting member representing each of the organizations, agencies and groups hereafter named, each organization, agency or group to determine for itself the manner in which its designee shall be named. The organizations, agencies and groups referred to are: New York State Society of Newspaper Editors; New York State Publishers Association, Inc.; New York Press Association; New York State Associated Press Association; The New York Times, The New York Post and The Long Island Press, as a group; United States Judges, as a group; New York State Bar Association; Association of Supreme Court Justices of the State of New York; County Judges Association of the State of New York; Association of Judges of the Family Court; New York State Magistrates' Association; United States Attorneys, as a group; New York State District Attorneys' Association; New York State Defenders Association; New York State Association of Chiefs of Police; New York State Sheriffs' Association. Each such organization, agency or group shall pay annual dues of $100 to the Conference. Additional voting members may be designated by two-thirds vote of the voting members holding membership at the time. Any organization, agency or group having voting membership may send more than one designee to any meeting of the organization, but nevertheless shall be entitled to only one vote.

(c) Associate members shall include the State Administrator of the Judicial Conference, New York State Commissioner of Corrections, designees of United Press International and Sigma Delta Chi and any other associate members approved for such membership from time to time by a two-thirds vote of the voting members.

4. Meetings

(a) The organization shall meet annually on the third Friday of October in each year and at other times upon the call of the Chairman, the Vice-Chairman or any three voting members.

(b) Notice of the time and place of the annual and of any special meeting of the organization shall be given in writing, not less than ten days in advance of the meeting date.

(c) A quorum for the transaction of business shall consist of ten voting members, at least five of whom shall be designees of law and five of media organizations, agencies or groups.

5. Officers

The officers shall be a Chairman, a Vice-Chairman, and a Secretary-Treasurer. The Chief Justice of the State of New York shall be Chairman. The Vice-Chairman and Secretary-Treasurer must be voting members, and one must be a voting member from a law organization and the other must be a voting member from a media organization. The term of office of Vice-Chairman and Secretary-Treasurer shall be for one year and until his successor is chosen and qualified, and they shall be elected by majority vote of the voting members. A vacancy in the Vice-Chairmanship or Secretary-Treasurership shall be filled for the balance of the term at a meeting of voting members called for that purpose.

6. Committees

There shall be standing committees on (1) Guidelines, (2) Forums, (3) Publications, (4) Finance, each consisting of at least one voting member of the organization and such other persons as the Chairman may designate. The function of the Guidelines Committee shall be to interpret the principles and guidelines adopted by the organization and to review with the persons concerned any complaints that the guidelines have not been followed. The function of the Forums Committee shall be to arrange seminar type programs for this or any other interested organization, including professional and civic associations and educational institutions. The function of the Publications Committee shall be to commission for publication and cause to be published educational books and pamphlets concerning fair trial-free press. The function of the Finance Committee shall be to obtain such funds, over and above the amount raised through dues payments as are necessary to carry out the purposes of the organization.

7. Amendment

These rules of procedure may be amended at any annual meeting or any special meeting provided that not less than ten days' notice of the meeting is given and that the substance of the amendment is set forth in the notice.

8. Distribution of Assets

Upon any dissolution of this Conference, no member shall be entitled to any distribution or division of its remaining assets and the balance of all money and other property theretofore received by the Conference from any source, after the payment of all of its debts and obligations of whatsoever kind and nature, shall be distributed, paid and turned over to any organization designated by the members of the Conference which is then qualified as a tax exempt organization under Section 501 (c) (3) of the Internal Revenue Code of 1954 (26 USCA 501 (c) (3)) as the same may be amended from time to time hereafter, and all regulations under said section then in force.

Appendix

COMPLAINT PROCEDURE

The basic concept behind the Conference being voluntary restraint there is no *enforcement* procedure. When a complaint is made, it can only be discussed with the offender in an effort to make clear to him what the violation was and what deleterious effect it had. The expectation, of course, is that when an offender understands the problem he will, when a similar matter comes up again, decide in favor of restraint rather than publication or the making of a statement.

The Conference exists statewide, and functions through its officers and through committees on Guidelines, Publications, Education and Finance. There are, however, Regional

Committees also, referred to in the Rule of Procedure as counterpart organizations. The thought behind the Regional Committees is that greater cooperation can be expected from people who are daily working together and, therefore, are more intimately acquainted with the issues at hand than from a more diverse group.

Voluntary compliance being the goal, logic dictates that a complaint be first considered on the Regional level if it cannot be dealt with in the first instance by the Association of which the "offender" is a member. The course for handling of complaints is, therefore, as follows:

1. A complaint letter is received by the chairman from a Conference delegate or from an outsider about a particular incident.

2. The complaint is referred to the delegate of the Association of which the offender is a member and to the Regional Committee covering the area involved. For example, if a confession has been released by a police officer and printed by a local paper, the complaint would be referred to (a) the appropriate Regional Committee, (b) the delegate of the Association of Police Chiefs, (c) the delegate of the Society of Newspaper Editors.

3. The Association delegates looking into the matter report to the Regional Committee either taking issue with the complaint or stating what effort has been made by the association to assure that future similar violations will not occur. The Regional Committee will then close the matter if satisfied with the Association disposition, or hold a meeting with the principals involved in order to discuss the matter further.

4. The Regional Committee reports to the parent Conference at each Conference meeting the nature and disposition of complaints made since the last meeting. Since minutes of each Conference meeting are distributed to all members of the Conference and of its committees, including all Regional Committees, the disposition of complaints becomes known to all.

5. The Conference's Guidelines Committee is available to consider the matter if the Regional Committee desires its participation or if any of the people involved in the complaint wish to have it considered by the Guidelines Committee. Since the Guidelines Committee is aware of all complaints, it knows where the trouble spots are and can, if it seems advisable to do so, recommend amendments of the Guidelines.

BY-LAWS
FAIR TRIAL—FREE PRESS COUNCIL OF NORTH DAKOTA

PREAMBLE

WHEREAS: Freedom of the press is a fundamental liberty, constitutionally guaranteed, that must be zealously preserved and responsibly exercised; the right to a fair trial for one accused of crime is a fundamental liberty, constitutionally guaranteed, that must be zealously preserved and responsibly exercised; the concept of a fair trial must be predicated on the presumption of innocence; the right of an accused to a public trial is a constitutionally guaranteed, fundamental liberty; members of a free society have the right to acquire and impart information consistent with constitutional principles; the right to disseminate information should be exercised with discretion when public disclosure might jeopardize the ends of justice; the news media have the right, responsibility and obligation to report the truth; a free and responsible press enhances the administration of justice;

NOW THEREFORE, the organization and groups hereinafter named have voluntarily joined to establish the Fair Trial-Free Press Council of North Dakota:

1. To promote closer understanding among the Bench, Bar, news media and law enforcement authorities, especially in their efforts to delineate the constitutional guarantees of freedom of the press and the right to a speedy, fair and impartial public trial, through a mutual and voluntary statement of principles to serve as guidelines for the release and dissemination of news.
2. To provide for the mutual education and enlightenment of the organizations and groups concerned with respect to their mutual obligations, and to provide a forum in which specific problems can be promptly discussed and resolved as they arise, and through which recommendations can be formulated and transmitted for the voluntary consideration of those persons interested and involved.
3. To promote a harmonious relationship among bench, bar, law enforcement authorities and news media in the administration of justice.

ARTICLE I.

Membership

Sec. 1. The membership of this council shall consist of the Chief Justice of the Supreme Court of North Dakota or such other Supreme Court Judge as he may designate, one member of the District Court Judges Association of North Dakota, three representatives of the North Dakota Associated Press Association, two representatives of the North Dakota press Association, two representatives of the Associated Press Broadcasters Association, two representatives of the North Dakota Broadcasters Association, one Municipal Judge selected by the League of Cities, one Sheriff and one Police Chief selected by the North Dakota Peace Officers Association, one representative of the States' Attorneys' Association, two representatives of the State Bar Association of North Dakota, one of whom shall be a practicing criminal defense attorney, one member of the University of North Dakota Law School Faculty, one member of the University of North Dakota Department of Journalism, one representative of the County Justices' Association, one representative of the County Judges' and Clerk of Courts' Association, one representative of the County Coroners' Association, one representative of the North Dakota Press Women and one representative of the North Dakota Combined Law Enforcement Council.

Sec. 2. Members of the Council shall be selected by and serve at the pleasure of the organization or group which they represent. When vacancies occur, they shall be filled by appointment of the Council Chairman upon nomination by or the recommendation of the organization or group whose representative is to be replaced. Each organization or group may designate one or more alternates to act as proxy for its representatives.

Sec. 3. Representation of additional relevant groups may be accomplished by amendment of these By-Laws.

ARTICLE II.

Officers

Sec. 1. The officers of the Fair Trial-Free Press Council of North Dakota shall consist of a Chairman, Vice Chairman, Secretary and Treasurer to be selected by the Council. There shall be no two officers from any one of the organizations or groups which make up this Council. Election of officers shall be at a meeting of the Council called for that purpose and the officers shall serve one year terms.

Sec. 2. Duties of officers:

The Chairman shall preside at all meetings of the Council and the steering committee provided for in Article III and shall perform other duties usually pertaining to this office.

The Vice Chairman shall perform such duties as may be assigned to him by the Chairman. In the absence of the Chairman, the Vice Chairman shall perform the duties of the Chairman.

The Secretary shall issue notices of all meetings of the Council and the steering committee, and shall keep a record of the proceedings thereof.

The Treasurer shall be responsible for preparing the Council budget and shall receive and disburse all monies taken in by the Council. He shall deposit the money received to the credit of the Council in such depositories as may be approved by the Council. He shall make such reports as shall be designated by the Council and the steering committee.

ARTICLE III.

Steering Committee

Sec. 1. The Steering Committee shall consist of the officers of the Council and such other Council members as the Council may determine.

Sec. 2. The officers of the Fair Trial-Free Press Council of North Dakota shall serve in like capacities as officers of the Steering Committee.

Sec. 3. The Steering Committee shall conduct the affairs of the Council between meetings of the Council. Policy making authority shall at all times reside in the Fair Trial-Free Press Council.

Sec. 4. The Steering Committee shall have authority to conduct studies in areas appropriate to the purposes of the Fair Trial-Free Press Council, and to appoint committees for that purpose. Each such committee shall explore the subject assigned to it, identify problem areas within that subject and report its findings and recommendations to the Steering Committee.

Sec. 5. Meetings of the Steering Committee may be called by the Chairman or three other members of the Steering Committee.

Sec. 6. At all meetings of the Steering Committee, a majority of the members thereof shall constitute a quorum for the transaction of business and the decision of a majority of the members present at a meeting shall constitute the decision of the Steering Committee.

Sec. 7. The Steering Committee shall prepare and present to the Council an annual report of its activities.

ARTICLE IV.

Meetings

Sec. 1 The annual meeting of the Council shall be held in the month of November at such time and such place as the Steering Committee shall determine. Written notice of the annual meeting shall be sent to each member of the Council at least thirty (30) days before the meeting.

Sec. 2. Special meetings of the Council may be called by the Chairman, the Steering Committee, or members representing at least five of the organizations making up the Council. Notice of the time, place and purpose of a special meeting shall be issued at least fourteen (14) days in advance.

Sec. 3. At all meetings of the Council a majority of the membership thereof shall constitute a quorum for the transaction of business and the decision of a majority of the members present at a meeting shall constitute the decision of the Council.

ARTICLE V.

By-Laws

Sec. 1. These By-Laws shall be effective when approved by a two-thirds vote of the members of the Council present and voting at a Council meeting.

Sec. 2. These By-Laws may be amended at any Council meeting by a two-thirds vote of the members of the Council present, after notice of the proposed change in the By-Laws is given in the notice calling the Council meeting.

RECOMMENDED GUIDELINES OF THE FAIR TRIAL—FREE PRESS COUNCIL OF NORTH DAKOTA RELATING TO ADULT CRIMINAL PROCEEDINGS

I.

The following information generally *should* be made public at, or immediately following, the time of arrest:

(A) The Accused's name, age, residence, employment, marital status and similar background information.
(B) The substance or text of the charge, such as is, or would be contained in a complaint, indictment, or information.
(C) The identity of the investigating and arresting agency and the length of the investigation.
(D) The circumstances immediately surrounding an arrest, including the time and place of arrest, resistance, pursuit, possession and use of weapons, and a description of items seized at the time of arrest.

II.

The following information generally *should not* be made public at, or immediately after, the time of arrest:

(A) Statements as to the character or reputation of an accused person.
(B) Existence or contents of any confession, admission or statement given by the accused, or his refusal to make a statement.
(C) Performance or results of tests or the refusal of an accused to take such a test.
(D) Expected content of testimony or credibility of prospective witnesses.
(E) Possibility of a plea of guilty to the offense charged or to a lesser offense, or other disposition.
(F) Other statements relating to the merits, evidence, argument, opinions or theories of the case.

STATEMENT OF PRINCIPLES OF THE BENCH-BAR-PRESS OF THE STATE OF WASHINGTON

PREAMBLE

The Bench, Bar and Press (comprising all media of mass communications) of Washington:

(a) Recognize that freedom of news media is one of the fundamental liberties guaranteed by the First Amendment of the Constitution of the United States and that this basic freedom must be zealously preserved and responsibly exercised.

(b) Are obliged to preserve the principle of the presumption of innocence for those accused of a crime until there has been a finding of guilt in an appropriate court of justice.

(c) Believe members of an organized society have the right to acquire and impart information about their mutual interests. The right to disseminate information should be exercised with discretion when public disclosures might jeopardize the ends of justice.

(d) Have the responsibility to support the free flow of information, consistent with the principles of the Constitution and this Preamble.

To promote a better understanding between the Bench and Bar of Washington and the Washington News Media, particularly in their efforts to reconcile the constitutional guarantee of freedom of the press and the right to a fair, impartial trial, the following statement of principles, mutually drawn and submitted for voluntary compliance, is recommended to all members of these professions in Washington.

PRINCIPLES

1. The News Media have the right and responsibility to print the truth. A free and responsible news media enhances the administration of justice. Members of the Bench and Bar should, within their respective canons of Legal ethics, cooperate with the news media in the reporting of the administration of justice.

2. Parties to litigation have the right to have their causes tried fairly by an impartial tribunal. Defendants in criminal cases are guaranteed this right by the Constitutions of the United States and the various states.

3. No trial should be influenced by the pressure of publicity from news media nor from public clamor, and lawyers and journalists share the responsibility to prevent the creation of such pressures.

4. All news media should strive for objectivity and accuracy. The public has a right to be informed. The accused has a right to be judged in an atmosphere free from undue prejudice.

5. The news media recognizes the responsibility of the judge to preserve order in the court and to seek the ends of justice by all those means available to him.

6. Decisions about handling the news rest with editors, but in the exercise of news judgments the editor should remember that:

(a) An accused person is presumed innocent until proven guilty.

(b) Readers and listeners and viewers are potential jurors.

(c) No person's reputation should be injured needlessly.

7. The public is entitled to know how justice is being administered. However, no lawyer should exploit any medium of public information to enhance his side of a pending case. It follows that the public prosecutor should avoid taking unfair advantage of his position as an important source of news; this shall not be construed to limit his obligation to make available information to which the public is entitled.

8. Proper journalistic and legal training should include instruction in the meaning of constitutional rights to a fair trial, freedom of press, and the role of both journalist and lawyer in guarding these rights.

ADOPTED March 26, 1966, in general session, by a joint committee representing the following groups:

Washington State Supreme Court, Superior Court Judges' Association, Washington State Magistrates' Association, Washington State Bar Association, Washington Association of

Sheriffs and Chiefs of Police, Washington State Prosecuting Attorneys' Association, Allied Daily Newspapers of Washington, Washington Newspaper Publishers Association, Washington State Association of Broadcasters, The Associated Press, United Press-International, School of Communications University of Washington.

GUIDELINES FOR THE REPORTING OF CRIMINAL PROCEEDINGS

The proper administration of justice is the responsibility of the judiciary, bar, the prosecution, law enforcement personnel, news media and the public. None should relinquish its share in that responsibility or attempt to override or regulate the judgment of the other. None should condone injustices on the ground that they are infrequent.

The greatest news interest is usually engendered during the pretrial stage of a criminal case. It is then that the maximum attention is received and the greatest impact is made upon the public mind. It is then that the greatest danger to a fair trial occurs. The Bench, the bar and the news media must exercise good judgment to balance the possible release of prejudicial information with the real public interest. However, these considerations are not necessarily applicable once a jury has been empaneled in a case. It is inherent in the concept of freedom of the press that the news media be free to report what occurs in public proceedings, such as criminal trials. In the course of the trial it is the responsibility of the bench to take appropriate measures to insure that the deliberations of the jury are based upon what is presented to them in court.

These guidelines are proposed as a means of balancing the public's right to be informed with the accused's right to a fair trial before an impartial jury.

1. It is appropriate to make public the following information concerning the defendant:
(a) The defendant's name, age, residence, employment, marital status, and similar background information. There should be no restraint on biographical facts other than accuracy, good taste and judgment.
(b) The substance or text of the charge, such as complaint, indictment, information or, where appropriate, the identity of the complaining party.
(c) The identity of the investigating and arresting agency and the length of the investigation.
(d) The circumstances immediately surrounding an arrest, including the time and place of arrest, resistance, pursuit, possession and use of weapons, and a description of items seized at the time of arrest.

2. The release of certain types of information by law enforcement personnel, the bench and bar and the publication thereof by news media generally tends to create dangers of prejudice without serving a significant law enforcement or public interest function. Therefore, all concerned should be aware of the dangers of prejudice in making pretrial public disclosures of the following:

(a) Opinions about a defendant's character, his guilt or innocence.
(b) Admissions, confessions or the contents of a statement or alibis attributable to a defendant.
(c) References to the results of investigative procedures, such as fingerprints, polygraph examinations, ballistic tests, or laboratory tests.
(d) Statements concerning the credibility or anticipated testimony of prospective witnesses.
(e) Opinions concerning evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be used at trial.

Exceptions may be in order if information to the public is essential to the apprehension of a suspect, or where other public interest will be served.

3. Prior criminal charges and convictions are matters of public record and are available to the news media through police agencies or court clerks. Law enforcement agencies should make such information available to the news media after a legitimate inquiry. The public disclosure of this information by the news media may be highly prejudicial without any significant addition to the public's need to be informed. The publication of such information should be carefully reviewed.

4. Law enforcement and court personnel should not prevent the photographing of defendants when they are in public places outside the courtroom. They should not encourage pictures or televising nor should they pose the defendant.

5. Photographs of a suspect may be released by law enforcement personnel provided a valid law enforcement function is served thereby. It is proper to disclose such information as may be necessary to enlist public assistance in apprehending fugitives from justice. Such disclosure may include photographs as well as records of prior arrests and convictions.

6. The news media are free to report what occurs in the course of the judicial proceeding itself. The bench should utilize available measures, such as cautionary instructions, sequestration of the jury and the holding of hearings on evidence after the empaneling of the jury, to insure that the jury's deliberations are based upon evidence presented to them in court.

7. It is improper for members of the bench-bar-news media or law enforcement agencies to make available to the public any statement or information for the purpose of influencing the outcome of a criminal trial.

8. Sensationalism should be avoided by all persons and agencies connected with the trial or reporting of a criminal case.

GUIDELINES ON THE REPORTING OF JUVENILE COURT PROCEEDINGS

1. News media and judges should work together with confidence in, and respect for, each other.

2. News media should be welcome to all sessions of the juvenile court. If the privilege is exercised and cases are reported, news media should not disclose names or identifying data of the participants unless authorized by the court. News media attending sessions of the juvenile court should make every effort to remain in attendance during all sessions of cases they intend to report.

3. The names and identifying data pertaining to alleged juvenile offenders may be used by the news media in those cases that are remanded by the juvenile court for criminal prosecution under adult standards.

4. Responsibility for developing sound public interest in and understanding of the child, the community, and the court must be shared by the judge and the news media.

5. All official records should be open to the news media with the judge's consent, unless inspection is prohibited by statute.

6. Confidential reports, such as social and clinical studies, school or personal records, should not be open to inspection by the press, except at the express order of the court.

7. The judge, at his discretion, may release the name or other identifying information of a juvenile offender in his court.

8. The court should strictly adhere to the Canons of Professional Ethics, which generally condemn the release of information concerning pending or anticipated judicial proceedings.

9. If an alleged act of delinquency is publicized, news media should be informed of the disposition of the case to complete the original story.

10. In the handling of juvenile matters the basic principles of fairness and cooperation summarized in the preamble and principles of the Bench-Bar-Press Committee of Washington shall apply. The possibility that any juvenile matter may ultimately be handled as a criminal case should be borne in mind.

11. Nothing in the foregoing guidelines shall be construed to prevent news media from exercising their constitutional right to publish any news about juvenile offenders from the time of their apprehension through the disposition of their cases if such information can be obtained from sources other than the courts, should the latter not wish to release such information.

(a) In such circumstances due consideration should be given to recommendations of the juvenile court and its officers.

(b) In determining whether to disclose names or other identifying data pertaining to alleged juvenile offenders, due consideration should be given as to whether that information is of the type the public must have to be fully aware of its juvenile court and the delinquency situation.

GUIDELINES ON THE REPORTING OF CIVIL PROCEEDINGS

1. The Need for Broader Coverage: Although far more numerous than the trial in criminal courts, civil trials receive only a fraction of the attention devoted to criminal proceedings. One

reason may be the brevity of the civil case; another may be its apparent lack of human interest. Judges and lawyers should recognize a third reason: that newsmen do not understand some civil proceedings and pass them up for want of sufficient time to study or do leg work.

The courts and their officers should give special attention to the need of the reporter to have background information and an interpretation of evidence as it is presented. Only the news media can give the public an objective and adequate explanation of civil actions and the reasons for judgments, orders and verdicts entered in such matters.

2. Interpreting Legal Terms: Judges and lawyers traditionally have employed legal phrases with special meaning to the profession. Unless these terms are interpreted faithfully by newsmen, the public cannot be expected to understand their significance. It is the duty of judicial officers and their staffs to assist representatives of the news media to report accurately in lay language. Written judicial decisions should be so drafted that selected portions briefly summarizing the court's ruling may be quoted by the press.

3. Legal Pleadings: Allegations in pleadings should not be reported as more than simple allegations. Judicial officers and the press should be mindful of injustice or prejudice that may result from pretrial publication of such matters.

4. Files: Official files in civil actions and probate matters, including pleadings, court orders and published depositions, are official records and available to the news media.

5. Depositions and Interrogatories: Until opened and filed by court rule or order, a deposition is not an official document, not a part of the clerk's file in the cause and not available to the news media. After court publication it may be extracted, quoted or copied for public dissemination except any portions which may have been stricken.

Reporting prior to trial what was said in a deposition may prejudice prospective jurors. Premature reporting may be unfair if, on the reading of the deposition in open court, portions are stricken.

Answers to written interrogatories, filed with the clerk, are as much a part of the public record as are depositions which have been opened and filed.

News reports should reflect whether the statements in depositions or answers to interrogatories have been uttered in open court or only in a filed document.

6. Confidential Proceedings: Adoption, mental illness and family court causes, are by their nature and by statute* entitled to special protection by the court. Investigative reports are generally confidential. In those cases where the news media may desire access to such records or hearings, application may be made to the discretion of the court.

7. Estates and Guardianships: The probate of estates of decedents and the administration of guardianships are usually non-adversary proceedings, conducted in open court without verbatim reporting by an official reporter. Newsmen should have access to all such hearings, to the official files concerning them and to such information as can be supplied by counsel and court attaches. Because of the nature of estate matters, personal and financial data concerning the decedent and his family must be revealed to the court. Whether it should be given to the public by the news media shold be governed by good taste, and the public's need to know, balanced against the potential effects on the survivors.

8. Summary Dispositions: Disposition of civil actions by summary judgment or dismissal is a judicial determination which may appropriately be reported. The news media should be encouraged to report the reasons for the court's action. The court should make these reasons available.

9. Fair Trial: Litigants in civil causes, including causes having special news value because of public interest in the subject matter, are as much entitled to a fair trial by an unbiased jury as is a criminal defendant. Jurors summoned to decide questions of civil liability or damages should be free from public clamor and special influences. News media should be wary of contrived information, the effect of which would be to influence potential jurors as to liability or amount of damage awards. The media acknowledge that the pretrial reporting of civil cases may involve the same risks to the administration of justice as the pretrial reporting of criminal cases. Pretrial coverage of civil cases should be balanced to minimize this risk.

*See:	RCW 7.02.160	Confidentiality in Mental Illness Hearings
	RCW 26.32.100, 150	Confidentiality in Adoption Proceedings
	RCW 26.12.080	Confidentiality in Family Court Matters

Julie Love

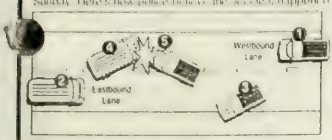
1. Gelb, Adam. 'The Bad Part is the Uncertainty'...Atlanta Constitution. Jul 11, 1989; sec E, p1, col 4.
2. Cummings, Jeanne. Two Families Cope with Answers...Atlanta Constitution. Aug 25, 1989; sec A, p 16, col 1.
3. Dumping ground Where Body Found a No Man's Land...Atlanta Constitution. Aug 25, 1989; sec A, p 16, col 1.
4. Angry Girlfried Said She Witnessed Rape, Murder...Atlanta Constitution. Aug 25, 1989; sec A, p1, col 2.
5. McIntosh, Sandra. Suspect in Love Slaying, Other Crimes...Atlanta Journal. Aug 26, 1989; sec A, p 10, col 1.
6. ---. Informant: Love Suspect Vowed to Kill...Atlanta Journal. Aug 26, 1989. sec A, p 1, col 2.
7. Gelb, Adam. Love Suspect Had Violated His Probation...Atlanta Journal. Aug 27, 1989; sec A, p 1, col 2.
8. Love Family 'At Peace' as Julie is Laid to Rest...Atlanta Constitution. Aug 28, 1989; sec C, p 1, col 5.
9. ---. Bank Cards May have Broken Case...Atlanta Constitution. Aug 29, 1989; sec A, p 1, col 6.
10. Sverdlik, Alan. When A Stranger Knocks...Atlanta Constitution. Aug 30, 1989; sec C, p1, col 2.
11. Love Case May Involve 4th Person...Atlanta Constitution. Aug 30, 1989; sec E, p1, col 6.
12. Editorial. The Price for 'Tough' Probations...Atlanta Constitution. Aug 30, 1989; sec A, p 8, col 1.
13. Editorial. Series of Blunders threatens Confidence...Atlanta Journal. Aug 31, 1989; sec A, p 22, col 1.
14. ---. DeKalb DA, Judge Blame Each Other...Atlanta Constitution. Aug 31, 1989; sec C, p1, col 5.
15. Gelb, Adam. Hammond Facing New Court...Atlanta Constitution. Sep 1, 1989; sec C, p 1, col 6.
16. System Failed to Protect Julie Love...Atlanta Journal. Sep 3, 1989, sec D, p 1, col 1.
17. Williams, Dick. Time for Manyard Jackson...Atlanta Journal. Sep 5, 1989; sec A, p 13, col 5.
18. Atlanta Police Charge Hammond With Rape...Atlanta Constitution. Sep 6, 1989; sec D, p 3, col 1.
19. Laurita, Michele. Women Kick Off Drive in Wake of Julie Love

Slaying...Atlanta Constitution. Sep 7, 1989; sec XG, p1, col 1.
20. Editorial. Judges Not to Blame for Criminal Justice...Atlanta Constitution. Sep 8, 1989; sec A, p14, col 3.
21. Gelb, Adam. Corrections Probe into Love Case Places No Blame...Atlanta Constitution. Sep 12, 1989; sec E, p1, col 1.
22. Hammond, Porter Indicted in Love Slaying...Atlanta Constitution. Sep 13, 1989, sec E, p2, col 2.
23. Tucker, Cynthia. Will We Focus on Bricola Coleman...Atlanta Journal. Sep 16, 1989; sec A, p 19, col 1.
24. Gelb, Adam. Judge Revokes Probation for 1 Love Suspect...Atlanta Constitution. Sep 19, 1989; sec B, p3, col 1.
25. ---. State Seeks Death Penalty in Julie Love Slaying...Atlanta Constitution. Oct 13, 1989; sec C, p 3, col 2.
26. ---. Julie Love Suspect Pleads Guilty...Atlanta Constitution. Nov 7, 1989; sec C, p 3, col 1.
27. Williams, Dick. Not Even Julie Love Case Deters...Atlanta Journal. Nov 7, 1989; sec A, p 13, col 5.
28. New Evidence Lead to Woman's Release...Atlanta Journal. Nov 18, 1989; sec A, p1, col 3.
29. Riner, Duane. Police Say Love Suspect Plotted to Kill...Atlanta Constitution. Nov 29, 1989; sec B, p1, col 1.
30. Woman Testifies Hammond Was Her 'Maniac Attacker...Atlanta Constitution. Dec 13, 1989; sec D, p1, col 5.
31. Gelb, Adam. Writer of Letter Misstated Facts in Love Case...Atlanta Constitution. Dec 29, 1989; sec A, p7, col 3.
32. Security Tightened for Julie Love Slaying Trial...Atlanta Constitution. Jan 30, 1990; sec D, p 2, col 2.
33. Riner, Duane. Hammond Lawyer, No Insanity Plea...Atlanta Constitution. Feb 9, 1990; sec E, p2, col 3.
34. Jury Selection Slow as Trial Starts in Love Case...Atlanta Constitution. Feb 20, 1990; sec B, p 2, col 4.
35. Riner, Duane. Defendant's Ex-Girlfired Tells Her Version...Atlanta Constitution. Feb 27, 1990; sec B, p 1, col 3.
36. ---. Defense Shows Tape of Witness Implicating...Atlanta Constitution. Feb 28, 1990; sec C, p1, col 5.
37. ---. Death Threat Prompts Tighter Security...Atlanta Constitution. Mar 1, 1990; sec C, p 10, col 1.
38. ---. Porter: 'I Heard a Gunshot Go Off'...Atlanta Constitution. Mar 1, 1990; sec C, p1, col 2.

39. ---. Love Case Judge Bars Testimony on Shotgun...Atlanta Constitution. Mar 2, 1990; sec C, p 2, col 3.
40. ---. Woman Describes Abduction...Atlanta Journal. Mar 3, 1990; sec D, p1, col 1.
41. ---. Hammond: 'I'd Never Murder'...Atlanta Journal. Mar 4, 1990; sec A, p1, col 6.
42. Judge Limits prosecutor's Summing-Up...Atlanta Constitution. Mar 7, 1990; sec D, p 2, col 3.
43. Smith, Ben III. This time in Court, Love Family...Atlanta Constitution. Mar 8, 1990; sec A, p 19, col 3.
44. ---. Hammond guilty in Love Slaying...Atlanta Constitution. Mar 8, 1990; sec A, p1, col 5.
45. Riner, Duane. Hammond Erupts as Woman Recalls Attack...Atlanta Constitution. Mar 9, 1990; sec B, p1, col 2.
46. ---. Hammond Gets Deth for Murder...Atlanta Journal. Mar 10, 1990; sec A, p1, col 5.
47. ---. Sentenced to Die...Atlanta Journal. Mar 10, 1990; sec B, p1, col 1.
48. Pomerantz, Gary. At Love Trial, a Compelling Human Drama...Atlanta Journal. Mar 11, 1990; sec D, p1, col 6.
49. Corvette, David. Hammond Prosecutor's Tactic Questioned...Atlanta Constitution. Mar 14, 1990; sec D, p 4, col 3.
50. Riner, Duane. Second Defendant in Love Murder Case...Atlanta Constitution. Apr 20, 1990; sec D, p 2, col 3.

Reconstruction of a Fatal Collision

Six people were killed and 10 injured in a two-vehicle collision on U.S. 84 near Waycross early Sunday. Here's how police believe the accident happened:

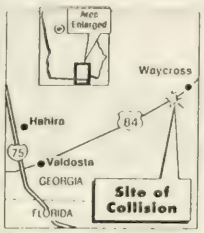


1. Shortly after midnight, Scott Steedly, 16, of Manor, heads west on U.S. 84 towards his home in his pickup after a date in Waycross. He may have been drinking and speeding.

2. Meanwhile, Army Staff Sgt. James Koonce and 14 of his relatives travel in a van eastbound on 84 to Hinesville after attending a family reunion in Hahira.

3. About four miles west of Waycross, Scott suddenly veers across the center line of the two-lane blacktop and into the ditch paralleling the eastbound lane before returning to the highway.

4. Sergeant Koonce apparently sees the truck and moves into the westbound lane and slows almost to a stop to avoid being hit.



5. At approximately 12:15 a.m., the pickup crosses the center line and slams into the van head-on, pushing the van more than 70 feet and ripping open the vehicles' passenger side. The pickup truck flips over on the driver's side. Scott has one leg pinned under the vehicle.

DAVID Walker/Staff

Two Weekend Outings End In Tragic South Ga. Wreck

■ *Four killed and five injured as van overturns on Interstate 75 in Cook County. Page E2*

By Jingle Davis
Staff Writer

WAYCROSS, Ga. — When Ware County sheriff's Deputy Harold Guinn Jr. arrived at the scene of the wreck, a passer-by handed him a small bundle. It was a sheet wrapped around the body of a 2-week-old infant.

"It was the first I knew that anybody was dead," Deputy Guinn said. "Then we started pulling dead people out all over the place."

By the time he was finished, Deputy Guinn had helped pull five more bodies — all members of the same family — from the wreckage of a van that collided with a pickup truck on a lonely stretch of U.S. 84 near Waycross early Sunday. Ten more people were injured in what the local Georgia State Patrol commander said was the worst traffic accident in the area in more than a decade.

While no charges have been filed and results of blood alcohol tests are pending, authorities said Monday they are investigating reports that the 16-year-old driver of the pickup, Scott Steedley of Manor, had been at a party Saturday night and had consumed beer.

"We've interviewed some of Scott's friends who said he had been drinking beer and was intoxicated before the accident," said State Patrol Sgt. Jack Crawford, commander of the Waycross post, adding that investigators are trying to track down the source of the beer.

The teenager, who suffered severe head injuries in the collision, was flown to a Jacksonville, Fla., hospital, where his condition Monday was listed as critical but stable.

WRECK Continued on 5B

"The Best Part Is The Uncertainty"



GREG FOSTER/Special

At a rally last summer, Ilana Danneman of Atlanta displays one of the hundreds of signs about Julie Love that were posted around Atlanta. Ms. Love was 27 when she vanished one year ago.

A Year After the Disappearance of Julie Love, Police Still Stumped, Family Still Frustrated

By Adam Gelb
Staff Writer

Julie Love vanished a year ago today and police are still looking for her.

Just Monday, acting on a tip, detectives went to Stone Mountain Park in search of the preschool exercise teacher's purse. It turned out to be another dead end.

The tip, which came from two teenagers arrested in DeKalb County, was plausible enough to stir detectives: Ms. Love's purse wasn't in her red Mustang convertible when it was found, out of gas and parked at an odd angle on a quiet street near Buckhead.

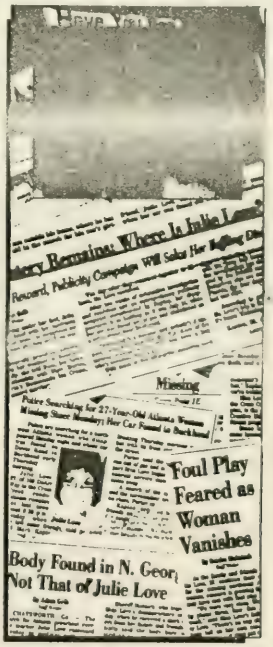


Police Sgt. T.A. Knox takes a phone call on the Julie Love case.

But after more than 500 other leads and hundreds of hours following them up, and despite nationwide publicity about the case and a $22,000 reward that usually is enough to make snitches turn in their own mothers, local, state and federal detectives could hardly get excited.

"We're still at square one," said C.D. Porter, the Atlanta police investigator on the case since the outset. "We've not been able to come up with any positive information as to where she went, if she was with anybody or what happened after" she left the Lenox Pointe office condominiums following a career counseling session last July 11.

Since then, while detectives have been tracking down supposed sightings as far away as California and Canada, Ms. Love's family and friends have been trying to find meaning in her disappearance, just one day after returning from a trip to the beach where the 27-year-old mended her relationship with marketing whiz Mark Kaplan.



Continuing publicity about Julie Love's disappearance has yielded a few tips but police are still at 'square one.'

JULIE Continued on 6G

Hits Some Bumps,

Clayton Hikes

Julie Love Still Missing After a Year

From Page E1

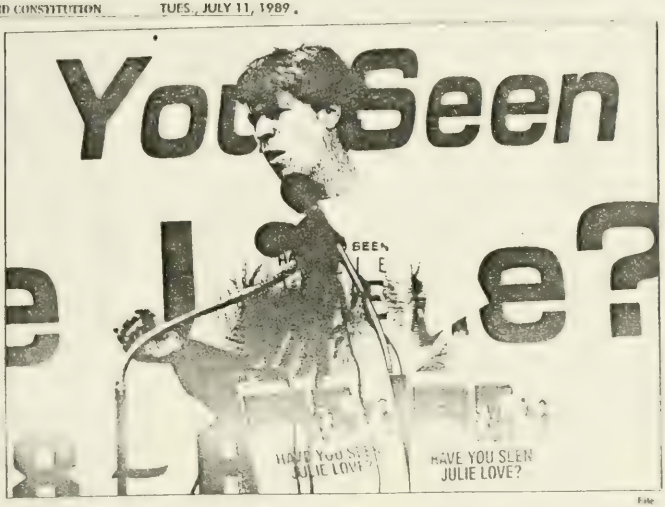
"It's a year later and it's a terrible week and I'm trying to get through it," said Mr. Kaplan, 33, co-owner of the Gonin's Homemade Ice Cream chain. "We all look back and we know that we did everything within our power to try to find Julie. Every single thing we could think of."

Mr. Kaplan orchestrated a publicity effort that made the Love case probably the best known in the city's missing persons [illegible] in his home to take tips and coordinate volunteer work, organized a rally in Piedmont Park, posted billboards and distributed nearly 200,000 fliers that asked "Have You Seen Julie Love?"

The Love case rose to the front of police blotters, overshadowing the 100 other active cases of missing persons, such as James Marcus, a 65-year-old liquor store owner who disappeared Sept. 16 after a car wreck, and 74-year-old Pauline Morries, a retired housekeeper who [illegible] in the mayor's neighborhood April 8 and hasn't been seen since.

Leads to Ms. Love's whereabouts have dwindled to a handful a month. In March, a man on a flight from El Paso, Texas, to Los Angeles wrote a letter to Atlanta police saying he'd sat next to a woman who looked like Julie Love. In February, after the television show "A Current Affair" broadcast a story about her disappearance, police in Ontario, Canada, reported several sightings. Officers in other jurisdictions around the country have searched remote areas where psychics claim to have "seen" her.

"Every [illegible] you try to think about what [illegible] happened, there are a million possibilities, and every one of them is illogical," said Ms. Love's brother, Russell Love, who recently moved from the family's home in Birmingham, Ala., to join an Atlanta law firm. "You think, well, maybe she got in a car with a [illegible] then you say she'd never do that. The bad part is the uncertainty about it all."



Fote

Mark Kaplan, Julie Love's boyfriend, orchestrated a publicity effort last year: He set up a command post in his home to take tips and coordinate volunteers, organized a Piedmont Park rally, posted billboards and distributed fliers asking, 'Have You Seen Julie Love?'

DeKalb OK In Acrimon

By Robert Anthony Wa
Staff Writer

In one of the most te clamorous school board me recent history, the DeKalb Board of Education on night approved lotteries to today to determine which county's veteran teachers transferred to comply with a court order.

Nearly 500 teachers are ed to be included in a po structors whose names placed in a lottery at Sto tain High School at 10 a.m high school teachers and elementary instructors are to be reassigned.

The [illegible] after [illegible] to [illegible]

"We have analyzed questioned every single that affects any teacher in the system," said Stel erne, a 31-year elementary tor who chaired the commit have come to the conclus the plan is as mathematical and as fair as possible."

Although it drew hunc teachers to the school boa ing, the teacher transfer co sy was largely overshadow acrimonious discussion ove cial balance of [illegible] trai[illegible]

Board Chairwoman Bergman recessed the twice after board member

Wreck Ends Weekend Outings

From Page E1

According to investigators, the collision was a grisly conclusion to two weekend outings that had begun in innocence.

Scott, who just completed his sophomore year at Ware County High School, came to Waycross on Saturday night for his first date with a local girl, said Sergeant Crawford.

"He picked her up at her house and they did the usual things: cruised the strip and the K mart parking lot; got a burger at the Burger King; did the same sort of things most Waycross teenagers do on dates," Sergeant Crawford said.

About 9:30 p.m., Scott and his date went to a Waycross home for a "get-together" with six or eight friends, he said.

"At this point, it seems the parents weren't at home. The indications are there was some beer drinking going on and the others said Scott appeared to be intoxicated. Not knee-walking, falling-down drunk, but intoxicated."

Meanwhile, about 50 miles to the southeast, Army Staff Sgt. James Koonce was loading 14 of his relatives into a Toyota van for the long drive home to Hinesville from Hahira, where about 60 people had gathered for a family reunion.

Sergeant Koonce, who had [illegible] caught up on news with family members they hadn't seen in years. Then they headed home.

Shortly before midnight, Scott and his date left the get-together and the girl drove herself home, then turned the truck over to Scott, who headed toward his home in rural Manor, according to Sergeant Crawford.

About four miles west of Waycross, Scott suddenly veered across the center line of the two-lane blacktop and into the ditch paralleling the eastbound lane, traveling about 300 feet before returning to the highway.

Sergeant Crawford said the teenager was apparently speeding.

Sergeant Koonce, driving toward Waycross, apparently saw the truck, moved into the westbound lane to avoid it and slowed almost to a stop, Deputy Guinn said.

The pickup crossed the center line and slammed into the van head-on, pushing the van more than 70 feet down the highway and ripping open the vehicle's passenger side, spilling people, clothing and other items onto the pavement, the deputy said.

Sergeant Koonce, who was wearing a seat belt, was trapped behind the wheel. His front seat passenger, Cornell Johnson, also wearing a seat belt, was killed instantly, police said. A child sitting on Mr. Johnson's lap was [illegible] her lap and her eyes closed," he said. "She was in complete shock."

Deputy Guinn said he found the body of another baby lying on the pavement.

The pickup truck flipped over on the driver's side, with Scott halfway out the window, one leg trapped beneath the vehicle.

Deputy Guinn said that when he arrived, Scott was unconscious and was having difficulty breathing.

"I couldn't find a pulse," the deputy said. "There's nothing but

4 Dead, 5 Injured As Van Flips on I-75

The Associated Press

LENOX, Ga. — Four people died and five were injured Monday when the van in which they were riding flipped over twice, skidding into the median of Interstate 75 in Cook County.

The Georgia State Patrol identified the dead as the driver, Jayantilal Patel, 61, of Albany; Mahesen Magan Patel, 30, of McRae; Shantilal Patel, 34, of Fitzgerald; and Sejal Patel, 2, of Fitzgerald.

Trooper W.B. Sumner said the accident happened about 5:45 p.m., just south of Lenox, when the right rear tire blew out on the northbound car.

SHORT TERM WINNERS!
HIG
RAT
FROM Y
ANCHOR BA
ACCOUNT | EFFECTIVE ANNUAL YIEL
12 MONTH INVESTMENT [illegible]
9.10%

Two Families Cope With Answers as Questions Begin for Two Others

By Jeanne Cummings
Staff Writer

Four families withdrew into themselves Thursday to deal with the discovery of Julie Love's body and the arrest of two men charged with her murder.

The Love family gathered in Birmingham, Ala., and Lorett a Love began weeping on the telephone after the remains found in a secluded dumping ground in northwest Atlanta were positively identified as those of her stepdaughter.

She asked an aunt, Micky Rubenstein, to read a family statement.

"We are grateful to the Atlanta police department, to the Georgia Bureau of Investigation and to the Federal Bureau of Investigation for their diligent work in solving the case. We are thankful it has been resolved," the statement said.

We especially appreciate the genuine concern expressed by so many people during the 13½-month search. Our thanks also to all of the media for their cooperative coverage from beginning to end and for their sensitivity to our sorrow now."

Atlanta lawyer Russell Love, Julie Love's brother, said he had "mixed emotions" about the resolution of his sister's disappearance. "I am relieved by the possibility that it may be over, at the same time, that does not make it easier to accept. It's like having a long-term illness. You know [death] is coming. But when it comes, it's hard to accept."

Mark Kaplan, Ms. Love's boyfriend, cut short a business trip and returned to his parents' home in Atlanta Thursday to learn the details of the search and arrest from them.

"Although what happened is terrible and horrible and a frightening thought, I'm relieved that we finally have an answer. . . . I'm glad we and Julie can finally have some peace," Mr. Kaplan said.

"I am just so thankful to Atlanta [illegible] the media to the police to the Girl Scouts to people who didn't even know Julie. . . . That was one thing that kept my spirits high. One thing was evil and bad and might make one question the positive aspects of life and then I looked around and saw that Atlanta cared about one person. . . . It was consoling to know the whole city was looking."

> "Although what happened is terrible and horrible and a frightening thought, I'm relieved that we finally have an answer. . . . I'm glad we and Julie can finally have some peace."
>
> — Mark Kaplan



The families of cousins Emmanuel Fitzgerald Hammond, 24, and William Maurice Porter, 20, the suspects in Ms. Love's abduction and murder, had their own grief.

Doris Ervin, Hammond's mother, said she doesn't believe her son committed the crime. "I believe he is framed. . . . She [his girlfriend, who went to police with details of the killing] is trying to mess him up."

Mrs. Ervin said she returned home from her night job at the post office Thursday morning to find her home ransacked.

"I was by myself and I was scared," she said. "I thought someone had broken into my house so I ran down to my parents' house." There, police officers told Mrs. Ervin it was they who had searched her home, and of the charges lodged against her son.

I was hurting. I stayed at my parents' house to keep myself together," she said. "I got to talk to him. I got to see him. . . . He's my only son and I love him."

About a half hour away in Union City, Brian Porter, 22, said he was with his brother on their way to the grocery store about 11:30 p.m. Wednesday when about 10 Union City police officers and GBI agents surrounded their car.

"We didn't know what was going on," said Brian Porter as he recalled the police officers' sweep around the car and his hourlong wait in the Union City Police Department before his release. "Finally, a detective came out and said, 'Your brother is in trouble.' I asked why and he said, 'Kidnapping.' I said, 'There is no way, man. William wouldn't do that.'"

Mr. Porter said police let him go, and he had to walk home

Dumping Ground Where Body Found A No Man's Land

By Deborah Scroggins
Staff Writer

At dawn, an eerie haze hangs over the trash-clogged woods along Grove Park Place.

Pine trees and piles of wet, rotting trash line the half-mile stretch between Johnson and Hortense roads in northwest Atlanta. Weeds grow out of gutted sofas. Mosquitoes drone on over a malodorous stream choked with discarded [illegible] and a stove, and the air is [illegible] with the stench of a dog's decaying corpse.

The people who live near

> "Out of all the spots and places in the 33rd District, this is the worst eyesore. If you're looking for something, and particularly a dead body, you'll probably find it here."
>
> — Rep. Lanett Stanley



reporter. They said they just try to avoid the road and keep their children from playing in the

Dumping Ground Where Body Found A No Man's Land

By Deborah Scroggins
Staff Writer

At dawn, an eerie h... over the trash-clogge... along Grove Park Place

Pine trees and p... rotting trash line the ... stretch between Johns... Hortense roads in nort... lanta. Weeds grow out ... sofas. Mosquitoes dron... malodorous stream, chok... discarded tires and a st... the air is thick with th... a dog's decaying corpse.

The people wh... this dismal scene were ... least surprised Thursday ... it contained the body ... Love. Some were suspi...

'Out of all the spots and ... places in the 33rd District, ... this is the worst eyesore ... if you're looking for some... thing, and particularly a ... dead body, you'll probably find it here.'

— Rep. Lanett Stanley

... was a blank-faced ... in work clothes. He ... front of a blue car ... lone driver passing through.

Two hours later ... 100 state and local law enforcement officers descended on Grove Park Place in cars and a bus, sealed it off with yellow crime-scene tape and began looking for the remains of Ms. Love. Some picked up broken handles and curtain rods to probe the piles of trash.

... near the mouth of the ... the police barricades ... clump of neighborhood ... teachers from nearby ... Boyd Elementary School ... across the street. Sidney Harrian, the father of Ms. Love's boyfriend, and a friend stood beside them, waiting.

"I never ride through here at night by myself," said Diane R. Sharp, who has lived on Fortense Road for 18 years. "They just liable to shoot you ... just minding your ...

Ms. Sharp said ... they often hear shots in the woods at night. "You hear the shooting and you just say, 'Lord, somebody's getting killed down there.' Sometimes it wakes you up, it's so loud."

But they rarely call police because they are afraid of getting involved. Most of them declined to give their names to a reporter. They said they just try to avoid the road and keep their children from playing in the woods.

A woman who lives on the corner of Hortense and ... Park Place ... [illegible]

... woods. "And the next thing ... come these trucks down here ... with the big tires and the refrigerators, and dump it off and ... like it was before."

Early in the afternoon, a few politicians showed up. They said they hoped the publicity surrounding the Love case would help build some momentum to clean up Grove Park Place. "Out of all the spots and places in the 33rd District, this is the worst eyesore ... [illegible] ... you're looking for something, and particularly a dead body, you'll probably find it here."

At 3:30 p.m., Lt. Horace Walker drove up in an unmarked black car. "Approximately 45 minutes to an hour ago, we located some skeletal remains that we feel very strongly are the remains of Julie Love," he told the crowd.

The reporters thrust their microphones and notebooks toward Mr. Kaplan, who looked somber. "It sounds pretty certain to me, and I guess after 13 months of agony over this, perhaps this is the closure," he said, before getting into his car.

The reporters turned toward the neighbors, but they were already leaving. "Just like I told you," one straggler said. "Happens all the time."





Atlanta police cadets line ... Place to begin searching ...

Informant's Acc...

From Page A1

minutes to an hour ago, we ... some skeletal remains that we feel very strongly are the remains of ... Love."

Two hours later, Fulton County medical examiners working with Ms. Love's dental records confirmed the remains were hers.

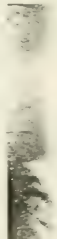
"We are thankful it has been resolved," Ms. Love's family said in a tearful statement from their home in Birmingham, Ala.

Police charged their informant's boyfriend, Emmanuel Fitzgerald Hammond, 24, of Marietta and William Maurice Porter, 20, of ... City, with kidnapping and murder. Mr. Porter was arrested Wednesday night outside his home. Hammond was already in the Fulton County Jail on the charges of assaulting his girlfriend.

The woman also accused Hammond of abducting another woman in the spring of 1988, killing her and dumping her body in the same area. Police refused to discuss the case Thursday, but they planned to return to Grove Park Place today to search for a second body.

The informant, whose name was not made public, has not been charged. Police said Thursday they do not anticipate more arrests in the case but refused to say whether she has been guaranteed immunity from prosecution in return for her cooperation.

Ms. Love vanished July 11, 1988. Her friends and family mounted a massive publicity campaign to find her, holding a rally in Piedmont Park, posting billboards and distributing thousands of fliers that made the 27-year-old preschool fitness teacher Atlanta's most famous missing person since Mary Shotwell ... tle disappeared from Lenox Square in 1965.



AUG 2 1989

...l Shakes
...al Quits,
...g Mistress

...1989NF ... is a mer... ...ster It ... zips aroun... ...re than ... 25,000 mile... ...ing in an orbit onl... ...above the planet.

new discovery ... 30 miles in diame... Neptune in a slightly ... larger orbit about ... the cloud tops.

... second ring ... arc was barely visi... ...'s cameras, scientists ... views of the planet ... later today could reveal ...

... administration ... its priority is resto... ...ethics

... analyst Masaya Ito ... andal "is particularly ... Kaifu. The public ... to believe what he ... on after such a di... ...dal. I am sure many ... already feeling sick ... finding out about new ... their country's lead...

... has been tol... ... presidential aides, ... and mistresses, and ... have such matters ... ed. "That such news ... reported was due com... ...own indiscretion," ... said Thursday.

Happier Kids

... ve it would lead to ... achievement, while ... students simply ... satisfied with their ...

... Carnegie Foundation ... help lift the entire ... are national goals ... Mr. Boyer, in a June ... ed it a "national agen... ...orm."

sample of 1,584 ... the end of May and ... agreed. Seventy per... ...schools, should meet na... ...standards and ... said schools ... standardized curricu...

For 121 Years the South's Standard Newspaper

Copyright © 1989 The Atlanta Constitution | FRIDAY, AUGUST 25, 1989 | SPORTS FINAL

...py Anniversary, Dow: A Record High Two Years La...

...month of advance
...Dow Jones average
...al stocks boldly
...h its record high
...ng a new peak of

...record was set two
... when the market

hit 2,722.42 ... it began to decline ... 1987 it crashed 508 points ... first dip in market history.

Analysts attributed the Dow's recent rise ... a number of causes, including ... trading, lower bond and ... interest rates, bullish corporate profits and merger mania.

Investors and analysts say the new high, however is ... much more solidly on the real ... of stocks than was the soaring market of the summer of 1987.

Some analysts see the Dow rising as high as 3,000 before a decline.

Harvard's John Kenneth Galbraith, one of the few economic forecasters who actually predicted a stock market crash in 1987, isn't looking for another nose dive now that average is in ... again.

But he stopped ... a forecast. "Any ... he said, "is always ... immediately after ...

RISE EXPECTED TO CONTINUE – E1

IN SPORTS

...hat Now ... Pete Rose?



The Associated Press

...n lawyers Reuven Katz (left) and ...n Jr. during press conference.

...ball Reacts ...tting Scandal

...n from baseball given Pete Rose ...uarantees of reinstatement, Commissioner Bartlett Giamatti said Thursday ...

... banishment from baseball, ... a good chance at election to the ...

...ast players to be banned from ... baseball for gambling said Mr. Rose ...

...ts debate whether a behind-the-... ed to the ban on Mr. Rose and ... Mr. Giamatti retained his authority ...

...nds to lose lucrative endorsement ...

...n connotes a permanent penalty ...ing bodies of various sports alter ... while assessing their most crass ...

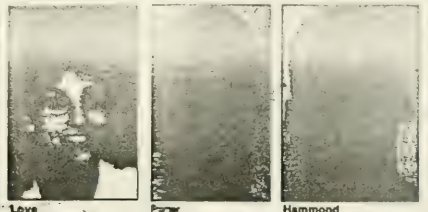
Colombia Drug Lords Declare W...

Informant's Tip Led Police to Julie Love



ANDY SHARP/Staff

Officer P.D. Spivey allows a patrol car into the Grove Park Place area Thursday.

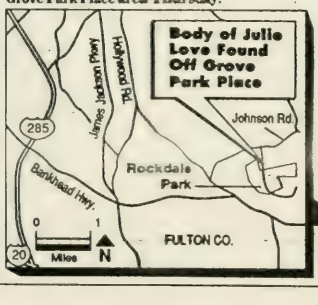


Love | Porter | Hammond

Two Men Held, Charged With Kidnapping, Murder

■ William Jeannoe Porter, 22, of Union City. Held in the Atlanta Fulton Detention Center. Faces preliminary hearing at 9:30 a.m. today.

■ Emmanuel Fitzgerald Hammond, 24, of Marietta. Held in the Fulton County Jail. No hearing date set.





■ June 11, 1988: Police say they believe two men stumbled upon Julie Love after she ran out of gas on Dover Road in a quiet northwest Atlanta neighborhood and began walking.

■ Aug. 24, 1989: Police find the body of Ms. Love in a dumping ground off Grove Park Place.

CINDY JONES-HULFACHOR & DUFFY DOLAN/Staff

Angry Girlfriend Said She Witnessed Rape, Murder

By Adam Gelb
Staff Writer

Police found the skeletal remains of Julie Love in a heavily wooded dumping ground in northwest Atlanta Thursday, less than 15 hours after they charged an auto repairman and his cousin with kidnapping and killing her.

The case was broken not by the clamor generated by her family and friends when she disappeared 13 months ago, but by the repairman's angry girlfriend.

She went to police July 28, after her boyfriend allegedly beat her in a domestic squabble, and provided them a lurid account of Ms. Love's death. The College Park woman said she was with the two suspects the night they found the 27-year-old Ms. Love trudging down a dark street near Buckhead after her car ran out of gas.

In a six-page statement, she told police of a four- or five-hour ordeal in which the diminutive Ms. Love was forced to withdraw money from an instant banking machine, taken to a remote area on Grove Park Place in northwest Atlanta, then raped and killed with a shotgun blast.

About 100 officers began searching for her body early Thursday. At 3:30 p.m. Atlanta police homicide Lt. Horace Walker told reporters, "Approximately 45

INFORMANT'S Continued on **A16**

Cartel F... To Autl... With F...

BOGOTA, C... country's cocain... back Thursday, ... war" against Col... underlining the ... with bombings a...

President ... launching of a ca... cations, arrests an... Friday provoked t... ers' communique, ... dawn to a radio n... Medellin, home o... gest cocaine carte...

About the ... ploded at the ... Colombia's two ... ties, and heavily ... ed and set ablaz... owned by two pr... area political figu...

The explosion ... ters of a Liberal ... portedly killed on... walking past.

An unexploded ... at the Medellin o... dena Nacional, a ... ploded pounds o... panied the co... Radio Caracol s... Those are stati... two largest radio ...

The essence o... came in its three ...

"We declare t... war against the g... dustrial and politi... journalists who h... insulted us, the ... sold themselves t... the magistrates w... dite us, the unio... those who have ... tacked us.

"We shall not ... ilies of those who ... ed our families.

"We shall bur... industries, proper... of the oligarchy."

The statemen... from "the Extradi... priated Ones to t... lombia." The Me... used the name "t...

DRUG Contin...

...y Defense Team Warns ...tors Against Hypocrisy

Parents, Studen... A Say in Where ...

INSIDE TODAY

Two New Moons ...



ANDY SHARPE/Staff

Atlanta police cadets line **up Thursday** morning at Park Place to begin searching for the body of Julie Love on the afternoon, **Fulton County** medical examiners working with Ms Love's dental records confirmed the remains found were hers.

Informant's Account Had Details Never Made Public

From Page A1

...mates to an h... ...dicated ... ...ed feel ... ...of Ju...

... ...

... ...

...

...ys: Prep Pullout Section Today, Complete College Report Sunday

...n Journal
...ONSTITUTION

weekend

...The Atlanta Constitution | SATURDAY, AUGUST 26, 1989 | SPORTS FINAL | 25...

Informant: Love Suspect Vowed to Kill to Avoid Ja...

By Adam Gelb
Staff Writer

...man accused of killing ... Gail Loxley is also ... other Loxley ... [illegible]

DEKALB DA FOUGHT EARLY PAROLE ☐ A10

...habit. It says he became ... madder" when he couldn't ... Ms. Love after they ... a movie. She had left her ... [illegible]

Love t...

WAY OF LIFE THREATENED IN KEYS



ACEY HARPER/Special

'Skinny Jimmy' Boemker of Summerland Key, Fla., took up lobstering to escape city crowds, but now he fears the growing population of tourists and retirees will leave no place for fishermen in the Keys.

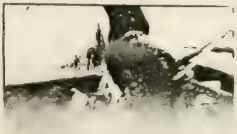
By Tom Watson
Special to The Journal-Constitution

SUMMERLAND KEY, Fla. — As the day's first light glints red off the clear water, "Skinny Jimmy" Boemker steers his 31-foot lobster boat Heidi slowly down a mangrove-lined canal.

Mr. Boemker, 37, came here 15 years ago to escape the fast life of the city. But lately, an economic boom in the Keys has begun to disturb his tranquillity and make him wonder how long he will be able to stay in business.

"There are a lot of people around here who want to see us fishermen ...

Tourism Squeeze Leaves Fishermen Gasping Like a Grouper in a Boat



But as the Keys' economy has boomed over the past 10 years, tourism has staked a greater claim to fishing rights and waterfront real estate, forcing commercial fishermen out.

"Ten to 20 years ago, the entire Key West waterfront was used for commercial fishing and now there isn't a remnant left," said Jeff Fisher, director of Monroe County's Cooperative Extension Service. "It has all been displaced by the tourist industry."

Tourism has brought with it a proliferation of sport fishermen to compete with commercial fishermen for the [illegible] fisheries.

Colombia Drug War Gets U.S. Hardwar...

$65 Million in A... Includes Adviser...

By Julia Malone
Journal-Constitution Washington...

KENNEBUNKPORT... President Bush ordered ... in emergency aid Friday ... form of helicopters, airc... tack boats and advisers to ... lombia fight the private ... drug cartels.

Responding to a wave ... and threats by narcotics tra... Mr. Bush authorized the ... consulting with Colombi... dent Virgilio Barco.

The first shipment of ... copters and small weap... scheduled to arrive in ... next week.

"There undoubtedly ... some advisers that go ... equipment, for training ... related to the aircraft ex... press secretary Marlin ... said.

The Washington Post ... the aid package will be dr... the unspent funds set asi... 1986 Foreign Assistance Act allows the president to ... Defense Department to s... tary equipment and servi... tions in an emergency. Th... bia package will em... emergency fund, Mr. Fitzw...

He said the size of th...

where the body was found is one street south of Yale Avenue, where Ms. Weldon lived.

DeKalb County police said Friday Hammond is a suspect in the May 5, 1988, kidnapping of a woman outside her apartment on Rock

when DNA tests revealed he could not have been the assailant. Police Lt. Rodney Maddox said the woman, Michelle Iona Jackson, was convicted of kidnapping with bodily injury and armed robbery in May and is serving two life

will continue to happen until people stand up and demand that these people stay in jail."

Staff writers Douglas A. Blackmon, Adam Gelb and Katie Long contributed to this article.

Love Informant Tells a Tale of Terror

From Page A1

"My mother is my life," he said. He puffed slowly on one cigarette after another, his forehead resting in his palm, and moaned in disbelief when told of Ms. Weldon's account.

Hammond, a 24-year-old Marietta auto repairman, and his cousin, William Maurice Porter, 20, of Union City, were arrested late Wednesday and early Thursday and charged with kidnapping and murdering the petite, 27-year-old exercise teacher.

Shortly after his arrest, police said, they took Mr. Porter to Grove Park Place in northwest Atlanta, the heavily wooded illegal dumping ground where Ms. Weldon had told them Ms. Love's body was hidden. They said Mr. Porter considerably narrowed the search area where they found her skeletal remains Thursday. But investigators declined to say whether either suspect has confessed.

Mr. Porter appeared in court for a preliminary hearing Friday, but it was rescheduled for Sept. 19 to allow him time to meet with a public defender. No [illegible] were in jail [illegible]



[illegible] as [illegible] that took place six weeks after Ms. Love vanished July 11, 1988. DeKalb police said they expect to charge him with abducting a woman from her apartment off North Rock Springs Road in May 1988, raping her, slashing her throat and leaving her for dead in the same dumping ground off Grove Park Place. The victim crawled out of the woods and survived.

The woman who broke the widely publicized Love case told police she turned Hammond in "because I was afraid that the same thing was going to happen to me." The 33-year-old former strip-joint employee, who has not been charged in the case, gave her firsthand account of Ms. Love's abduction and rape to Fulton County police July 29 [illegible] an arrest warrant [illegible] her earlier that week.

Despite hundreds of hours of investigation, detectives said they had gotten no further than 9:30 on the night of Ms. Love's disappearance, when she left a career counseling session on Lenox Road.

Atlanta police and GBI officers say they have evidence to corroborate Ms. Weldon's statement, but would not discuss it.

In the statement, Ms. Weldon said she, Hammond and Mr. Porter were driving home from a movie in Hammond's maroon Oldsmobile Cutlass Supreme when they saw Ms. Love walking away from her car, which had run out of gas on Dover Road, a quiet residential street near Buckhead.

Maurice asked [illegible] if she needed a ride and she said no and [illegible] a house and said that she lived there," she told investigators. She said Ms. Love began walking up the driveway, but Hammond saw her turn back down as they were pulling away. They turned around and again asked her if she needed a ride. She declined.

"By then, Emmanuel jumped out of the car and grabbed her and she was trying to pull away and was screaming. Then he hit her [with a sawed-off shotgun] and threw her in the car," according to the statement.

With Mr. Porter behind the wheel, Hammond held Ms. Love's head to the floor and "asked her questions about money," Ms. Weldon reported. Ms. Love said she had spent it all at the movies.

As the car traveled south on Howell Mill Road, a police cruiser pulled behind them. Hammond "told Maurice to put his arm around her so the cop [would] think we were all together, and I guess that we were driving too slow so the cop just went on around us," she said.

A few minutes later, they arrived at Hammond's grandparents' house on Ireland Street Northwest. Hammond and Mr. Porter walked Ms. Love behind a nearby school — Grove Park Elementary, detectives said — where they took her bank cards. Ms. Weldon said she and Mr. Porter went to two automatic tellers but returned [illegible] money because they had the wrong codes.

[illegible] said that [illegible] and that she gave them the number [illegible] stake, Ms. Weldon said. "Him and Maurice were [illegible] each other what to do now and Emmanuel said that there was only one thing left to do," according to Ms. Weldon.

Mr. Porter then grabbed Ms. Love's hand, led her to a "corner" and raped her, Ms. Weldon said. She said this angered her, and she demanded to be taken to her home in College Park. She said they dropped her off and told her not to worry" about what would happen to Ms. Love. Hammond returned to her house early the next morning, she said.

Ms. Weldon said Hammond told her Ms. Love "kept giving them runaround about how she had money in her house [illegible] she could call her boyfriend and get money [illegible]

She said they drove Ms. Love to the Cross Creek condominiums off Bohler Road where she lived, but turned away when they saw a security guard at the entrance. He [Hammond] said he was just getting madder and madder. Then he said he took her and killed her.

"He said at first they [Hammond and Mr. Porter] were choking her with something and she was struggling too much or something so they got mad and Emmanuel [illegible] her head off [and] that when he did this she put her hands in front of her face."

Two days later, she said, Hammond brought her a pair of diamond earrings to pawn. She did and told him she had gotten $140 for them. She said he then told her the earrings were Ms. Love's.

Hammond stuffed Ms. Love's purse and other items in a paper bag and threw it in a dumpster in front of Ms. Weldon's home, she told detectives.

Ms. Weldon, whom police moved from her home Friday for her protection, said she met Hammond in the summer of 1987 at the V&S Lounge at 806 Marietta St. N.W., where she worked.

Staff writers Douglas A. Blackmon, Katie Long, Sandra Mel[illegible] and Deborah Scroggins contributed to this article.

Buckhead • 3089 Peachtree Norcross • Mar

Atl
It's wh
all alo

PE
FAC
SA

Savin
• Discontinue
• Display and Floor Sam
• Factory Se
• Convenient
• All Sold As
• All Sales Fi
• Small Charg

C

Town & Country Shopping Center
Roswell Rd
Marietta Pkwy
Hwy 41 (Cobb Pkwy)
I-75
I-285

Suspect in Love Slaying, Other Crimes Freed Despite Prosecutors' Warning

By Sandra McIntosh
And Derrick Hinmon
Staff Writers

Emmanuel Fitzgerald Hammond, one of the two men accused of murdering Julie Love and a "crime suspect" in a College Park murder and a brutal rape and attempted murder in DeKalb County, was sentenced to eight years in prison on kidnapping and aggravated assault charges in 1983. He was released four years later over prosecutors' objections.

Hammond, 24, pleaded guilty in Fulton Superior Court on Aug. 8, 1983, to the kidnapping of Gwendolyn Turner, 24, of Villa Rica.

Assistant Police Chief Jack Berry said Mr. Turner's body was found by a man collecting cans on Oglethorpe Avenue in College Park on Aug. 21, 1988. He had been shot twice in the head, and police said he had apparently been robbed and killed at another location and his body dumped in College Park, police said.

Detectives said they connected Hammond to the Turner case through an informant — apparently Jerome Weldon, Hammond's cousin — whose statement to police about the Love killing mentioned two other crimes. She said Hammond and a companion shot a man in Hammond's car, which was parked outside her College Park home.

Ms. Weldon said the gunmen dumped the victim's body about four blocks away, then drove in his car to Cobb County. She said "they took Emmanuel's car the next day for a wash house trying to get the blood out of it." Oglethorpe Avenue, where the body was found, is one block south of Yale Avenue, where Ms. Weldon lived.

DeKalb County police said Friday Hammond is a suspect in the May 5, 1988, kidnapping of a woman outside her apartment on Rock Spring Circle, off North Rock Springs Road. The woman was then raped and repeatedly stabbed in the chest before being left for dead, but she managed to stagger to the roadway and get help.



Emmanuel F. Hammond was sentenced to eight years before he was freed after four.

An account given by Hammond's ex-girlfriend closely matches what happened to that victim, police said, except Hammond told his girlfriend the woman was dead.

DeKalb County man and a DeKalb woman were charged with the crimes, but the man was released when DNA tests revealed he could not be the assailant. DeKalb police Lt. Rodney Maddox said. The woman, Michelle Iona Jackson, 22, was convicted of kidnapping with bodily injury and armed robbery in May and is serving two life sentences. DeKalb District Attorney Robert E. Wilson said. He said the victim will be brought in for a line-up to see if she can identify Hammond as her attacker.

Mr. Wilson called a news conference Friday to say that if Hammond is guilty of any of these crimes, stiffer sentencing laws could have prevented them.

On Dec. 17, 1982, Hammond, who was 17 at the time, abducted an Asian woman on Briarcliff Road as she left her car. Forcing her back into [illegible] at knifepoint, he made her drive to a secluded area off Clifton Road. There, Mr. Wilson said, Hammond raped the woman, then drove her to the intersection of Moreland Avenue and Memorial Drive where the woman was cut, bruised and terrified, Mr. Wilson said.

On Aug. 8, 1983, Hammond pleaded guilty to kidnapping and armed robbery and was sentenced to 30 years with a requirement that eight be served before parole. But he was released in 1987 despite a warning from Mr. Wilson's office to the parole board that Hammond's background "demonstrates an assaultive nature indicating that he presents a danger to the community."

"If [illegible] had been stricter and our warning had been heeded he probably wouldn't have been in this position today and [Julie Love's] life could have been spared," Mr. Wilson said. "An eight-year sentence is rather harsh for someone so young, but we saw something dangerous in his background and the judge saw something, too. Something should have been done to ensure he served the full term."

Mr. Wilson said similar things will continue to happen until "people stand up and demand that these people stay in jail."

Staff writers Douglas A. Blackmon, Adam Gelb and Katie Long contributed to this article.

Love Informant Tells a Tale of Terror

From Page A1

"My mother is my life," he said. He [illegible] one cigarette after another, his forehead resting in his hands, and moaned in disbelief when told of Ms. Weldon's account.

Hammond, a 24-year-old Marietta auto salesman, and his cousin, William Maurice Porter, 21, of Union City, were arrested late Wednesday and early Thursday and charged with kidnapping and murdering the petite, 23-year-old exercise teacher.

Shortly after his arrest, police said, they took Mr. Porter to Grove Park Place in northwest Atlanta, the heavily wooded illegal dumping ground where Ms. Weldon had told them Ms. Love's body was buried. They said Mr. Porter considerably narrowed the search area where they found her skeletal remains Thursday. But investigators declined to say whether either suspect has confessed.

Mr. Porter appeared in court for [illegible] preliminary hearing [illegible]



WE'R
CUSTOM
EXPR-E
Buckhead • 389 Peachtree Rd. N.E. (Corner Peachtree and
Norcross • Peachtree Corners • 5270 Peach
Marietta • 4800 Olde Towne Parkwa
Carriag
FINE FURNITU
Atlanta
It's what you w
all along!

Atlanta Journal
ANTA CONSTITUTION

Morning
STREET
Edition

SUNDAY, AUGUST 27, 1989 · · · · $1.25

er Takes Off for Far Reaches of Galaxy

...ber

...The blue-green ...it is wate. The ...the distance But ...ions Voyag... ...ter ... ...ing a plan ...series ...ed well

into the next century.

The post-encounter phase of Voyager's rendezvous with Neptune will last until Oct 2, but by then many of the 600 scientists, engineers and technicians — some of them members of the team for a decade or more — will drift off to take other jobs. Some will retire.

A few die-hards, however, will remain at the Jet Propulsion Laboratory (JPL) to begin rigging Voyager's systems for the journey to the stars.

"The first thing we have to do is take advantage of the Voyager people before they drift away and their expertise is lost forever," says Frank A. Carr, NASA's deputy director of solar system exploration.

Over the next year, NASA will spend $13 million to start up the Voyager Interstellar Mission, a low-budget star trek that makes Voyager's "grand tour" of the outer solar system look like a trip around the block.

Now that its planetary encounters are behind it, Voyager's software will be altered to handle reduced rates of transmission. NASA ground systems will be consolidated.

"We want to go a very long way for a very long time, so we need to do it as efficiently as possible," he says.

To date, NASA has spent $865 million

VOYAGER Continued on **A13**

...Keeping ...pen for ...r Kids

...Were ...

...came home to ... the 8-year-old ... watching ... ...ework, she ... and decide to wait ...

...ber metro Atlanta children have been unable to ...ol care for them. Tasha ...spent her unsupervised ...sion last school year ... are different. Like a ...s in metro Atlanta, Ta... Elementary School in ... the problem of latch-...

...an inexpensive quality ... in the classroom ...ughout metro ... the trend toward ...to care within their own ...ung offer at least some ...

...Atlanta pupils — generally those to whom it is ...noon after the final bell ...study under an adult's ...ol site programs has ...two to three years. ...ose interest in the ...noon says 3 p.m.," said ...director of elementary ...where the school board ...to operate after-school ...s year up from 14 last ...

...youngsters fall into the cat... — those with no adult ...when school lets out — ...ents. Parents and child ...e lack of safe and con... ...clamoring for ... ...ings to be part ...

...ntinued on **A12**

No Small Win For U.S.



The Associated Press

WILLIAMSPORT, Pa. — Chris Drury rejoices as his Connecticut team wins Little League championship over Taiwan. Article, Page C2.

Love Suspect Had Violated His Probation

Officials: He Belonged In Jail Night of Killing

By Adam Gelb
Staff Writer

The accused killer of Julie Love was arrested and released while on probation five months before the Atlanta woman's disappearance, and he should have been back in prison the night she was killed, state corrections officials said Saturday.

Emmanuel Fitzgerald Hammond was stopped in Hapeville Feb. 26, 1988, for driving 95 mph in a 55 mph zone. Arresting officers found a .25-caliber pistol with a filed-off serial number in the car, state officials said. Hammond was charged with possession of a firearm by a convicted felon and criminal use of an article with an altered identification mark, both felonies.

At that time, Hammond, 24, was on probation for a 1983 conviction for armed robbery and kidnapping with bodily injury. But his probation — which stipulates that he not violate any laws — was not revoked, corrections records show.

In June, records show he was working at an auto body repair and detailing shop in Atlanta, and on July 11, 1988, according to police, he stumbled upon Ms. Love after her car ran out of gas, abducted her and killed her with a shotgun.

Ms. Love's decomposed body was found Thursday, apparently buried among trash in a dumping ground off Grove Park Place in northwest Atlanta.

"That one just fell through the cracks," said John Siler, a spokesman for the state Department of

CORRECTIONS Continued on **A15**

Story of PTL

AUG 27 1989

...ndid, prideful man with a deep affection for this town. Smith, by his team's failures, has been rendered the anvil of Atlanta analyzed, criticized and Jed Clampett-ized. The Good 'Ol' Boy with the Bad Ol' Team.

He has said he would sell the team if he cannot make it a winner. He stands by the statement today, though he said, "I'm not gonna say, if we don't win this year it will happen. I don't know the answer. My guess is it would be a combination of factors. When all that would come together to make you sell or relieve the operation. I just don't ... He paid $60 million to ... $65 for a franchise that today is valued in the area of $100 million.

friends. Over the years, Smith has played host to Rozelle and Schramm on quail hunts at Seminole, he also has taken them to Bimini on his yacht.

Schramm, who is now directing the formative stages of a new international football league, said Smith and his Atlanta associates had ventured to Dallas in 1965 to learn how the Cowboys operated their franchise. "To some extent, I wanted to more or less model our team [after Dallas]," Smith said. "It was and it wasn't. Their team was successful, and ours was not."

Modell said: "There are ... owners in the league who couldn't ... [illegible] ... with ... head coach. But month after month ... [illegible] ... to hire Lombardi ... and Neil Hecker.

...mm said: "I alw... had pretty good ... The Falcons are one ... owner managed clubs. I think it ... amazing how some things just don't work out for some people. I don't know what that intangible is. It's just a mystery to me."

Pushing the Wrong Buttons

Mysteries come in different ...rms. To wit: In 1966, Smith said he had a handshake agreement with Green Bay's Vince Lombardi for Lombardi to become the Falcon... ... head coach. But month after ... [illegible] ... around Thanksgiving ... [illegible] ... to hire Lombardi ... and Neil Hecker.

... Super ...skins GM and ...ed reach two Sup... ...ever's head coach. ... although LeBaron and Bosworth ... the Falcons' only division title ... 12-4 in 1980 and finished 47-33 ... six seasons they managed ... only one playoff game.

In 1987, Smith again went ... search to find a new coach. Both Jerry Donahue of UCLA and former Philadelphia Coach Buck Veeck ... turned down lucrative offers. They counseled by his two sons. Banker ... and Taylor, who had become ... owners on the team. [illegible] ... Rankin ... complete ... Rankin is for the ... he ...

... ...rs of hiring ... not exempt. ... Obviously, he ... instance. Smith ... not a football man ... he said, and some in ... wonder if Smith ever has ... person giving him the ... wonder if he simply ... was not meant to be a ... owner there are worse ... ... line is Smith largely ... his team over to his ... his hands-off ap... ...ement. The eleva... ... though ... ... Washington all ...

... convention ... and give the city a "world-class ... You heard the Democratic convention. They said, 'Atlanta's a wonderful place but we're not coming back because it ain't big enough.' By agreeing to the dome, Smith believes he has done his part.

Most of all, he wants to win. The Pittsburgh Steelers hadn't won a title in almost four decades under the ownership of the Rooney family. Then the team won four Super Bowls during the 1970s, and when Art Rooney Sr. was buried ... ... that Pittsburgh ...

Corrections Officials Say Suspect 'Fell Through Crack' Before Love's Killing

From Page A1

Corrections. "It should have been picked up that he was already on probation, but it was not."

Mr. Siler said corrections records indicate Hammond, now in the Fulton County Jail, is still on probation.

Hammond and his cousin, William Maurice Porter, 20, were arrested three days ago and charged with murder and kidnapping in the highly publicized Love case. The tip that led to their arrest came from Hammond's ex-girlfriend, who gave police a grisly account of the slaying.

It was unclear Saturday whether Hammond's probation was not revoked because of a breakdown in communications between the different jurisdictions and agencies involved or because a probation officer, prosecutor or judge elected not to revoke it.

Under standard procedures, Hammond's probation officer would have been notified by either Hapeville police or Fulton County jail officials that Hammond had been arrested. The probation officer then would either decide himself not to revoke the probation, or alert a judge who could hold a hearing to decide whether the violator should be returned to prison.

Corrections officials said Saturday their probation department has no record of Hammond's February 1988 arrest. The date of the arrest was confirmed by Hapeville Mayor Roy Gibson, who recalled signing papers demanding Hammond to



Emmanuel Hammond

Fulton County authorities ...

"I don't know what happened," Fulton County District Attorney ... Slaton said, although he do... ...ed acknowledge any mistakes ... Fulton authorities.

But he said he wasn't surprised that the case slipped through. "It ... a lot," he said. "We have ... cracks because we have such a ... multijurisdictional justice system. It's not something that's rare, but it shouldn't happen. The system should be that when someone is arrested he goes into a central system and everybody knows."

Hapeville police officials also could not be reached.

DeKalb County District Attorney Robert Wilson prosecuted Hammond in 1983, and his office should have been told of the weapons charges.

"To my knowledge, nobody ever notified us of the arrest," Mr. Wil... ...night. He has no ... of a probation revoca... ...involving Hammond.

... was released from ... 1987 after completing ... state Pardons and Pa... ...spokesman Silas Moore ... served a full four years of ... year sentence that, under a ... incentive law that was re... ...1984 gave inmates 2-for-1 ... time served if they did ... to trouble while in prison.

... Wilson had criticized the ... system in a news con... ...Friday, saying parole board ... ignored his warnings that ... should not be released ... he was "assaultive" and ... a danger to the commu...

But Mr. Moore said Saturday: "The die was cast when the ... accepted Hammond's guilty plea and selected an eight-year sentence for him. The D.A. and the ... knew full well that under the ... in-effect Earned Time Law, Hammond would almost certainly complete his sentence with satisfactory conduct after four years."

Hammond was eligible for release without any hearing before the parole board, Mr. Moore said.

As a result of his February ... speeding arrest, Hammond was convicted Oct. 3, 1988, of the two violations charges and sentenced to ... years on each, to serve one year in prison concurrently on each. He was released Jan. 6, 1989, after serving four months.

etro & State

THE ATLANTA CONSTITUTION • MONDAY, AUGUST 28, 1989

nd Cars g Drive

olition Derb

his charcoal gray ed up the curb and i neighbor's lawn

losing said he

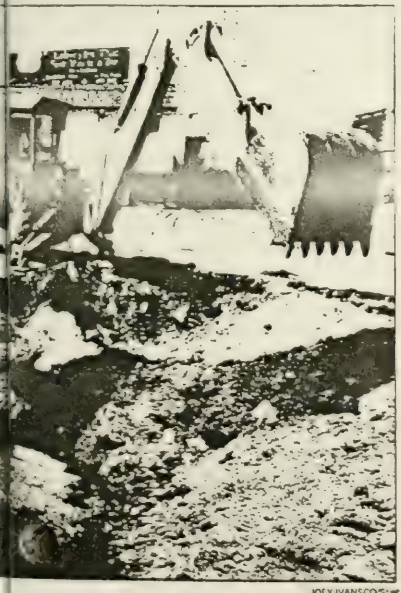


JOHN SPINK/Staff

Ron Lockwood walks his dog past a vehicle that was pushed up an embankment. Skid marks showed that the driver aimed directly and repeatedly for the parked cars.

RIVER Continued on C3

ncial Drain



JOEY IVANSCO/Staff

eaks puts too much of a bu ess is booming for companies such as Watkins Service.

Love Family 'at Peace' As Julie Is Laid to Rest

By Adam Gelb
Staff Writer

The remains of Julie Love, who made a living teaching exercise classes for preschoolers, were buried in her hometown Sunday, 13 months after she vanished from a northwest Atlanta street and four days after the arrest of her two alleged killers.

"We feel at peace," Ms. Love's stepmother, Loretta Love, said after the funeral from her home in Mountain Brook, an exclusive section of Birmingham, Ala. "We know that Julie's at peace."

A graveside ceremony was held at 3 p.m. at Elmwood Cemetery in Birmingham. Relatives requested that reporters not attend.

As more than 200 relatives and friends grieved, criminal justice system officials in Atlanta said they were trying to determine why the Marietta man accused of shooting Ms. Love was not returned to prison for a probation violation five months before her disappearance in July 1988.



Julie Love was buried Sunday in her hometown, Birmingham, Ala.

Emmanuel Fitzgerald Hammond also would have been in prison at the time of an attempted knife-slaying in May of that year and another murder in August that police say he committed.

Hammond's family also was grieving this weekend. "If the story's true, I hate that it happened,"

LOVE Continued on C3

Fulton County Forced to Delay Opening 2 More Elementaries

By Frances Schwartzkopff
Staff Writer

In a last-minute decision, the Fulton County school system postponed opening two elementary schools Sunday evening, bringing to [illegible] Fulton County schools that will not open until Thursday because of construction.

Fulton officials had announced last week that five elementary schools — Alpharetta, College Park, Mount Olive, North Roswell and Evoline C. West — would not open until Thursday. Construction delays also were cited in those instances.

The work is among 3 projects that the school system is undertaking pro- at

AUG 28 1989



JOEY IVANSCOSTAR

...vation wagon that was ...ap truck Sunday morn-

...ach said
...ange Mustang was found
...ighborhood by police who
...owner to a Highland Ave
...ess but found no one at

ing. Police don't know who was driving the orange Mustang that careened through the neighborhood.

home Sgt Gundlach said

It was bizarre I'm just so amazed these kids weren't killed," Mr Lloyd said

Barely mocking the night's de

...struction ...ate Bridges paused fro... ...ening at 904 Kings Cour... ...d We've had more traffi... ...street today than in the 2... ...e been here"



JOEY IVANSCOSTAR

...r ...paints ...n gaso-

line tanks after unearthing them from a service station on Roswell Road.

...an't Be Sold Unless ...on Is Cleaned Up

...ding under the ...part own- ...ermine the ...ation

...most frequent ...ases of urban ...contamination until

...this year ...ved a sky- ...in the ...Hall ...involv- ...Atlanta ...ck effect in

...ion - said for ...natures when ...Atlanta ...remedy. ...ew leaks

...mately millions ...nation in small- ...ome into ...groundwater.

...n the way ...ern resident of ...

'Recently we had a man who wanted to sell, so he had his site cleaned for $100,000. But the purchaser said he would buy it on the basis of doing his own study. More contamination was found. Now the [seller] is facing bankruptcy on property that would be very valuable if it were clean.'

— Jack Houston
Georgia Association of Petroleum Retailers

such as last week's removal of four tanks at the Enterprise Leasing office on Roswell Road, caused him to add 24 employees to the six he had a couple years ago.

One of Georgia's most severe petroleum leaks is still in the cleanup stage, Mr. Gottshalk said. At Hartsfield International Airport, at least 14,000 gallons of jet fuel leaked from a pipe this year. The cleanup, which started in May, has recovered about 3,000 gallons. "The city of Atlanta is taking responsibility for corrective ...ctor, but we still don't know the extent ...

Establishing responsibility for the cleanup can be time-consuming. And although Georgia recently ...

Love Family 'At P... as Julie ...ied

...said his ... ...rman. "And I want the ... ...s the Love family so... ...ue on with their lives.

Ms. L... ...and friends had been ... to learn her fate, but des... ...ndreds of hours of investiga... ...cal, state and federal dete... ...authorities could offer no clue.

Her ski... ...ains on Thursday were f... ...an illegal dumping gro... ...ree miles from Doraville. ...her car ran out ...frightened neighb... ...drew national att... ...prompted a $20,000 re... ...was broken by Hazlewood ... ...end, who gave ...explicit ac... ...of the ... ...Is Love alleged... ...was abducted and killed with a shotgun.

Hammond ... ...and his cousin, William Maur... ...Porter, 20, of Union City, were ...ged with murder and kidnapi... ...nformant has not been ar... ...mmond faces a lineup ... ...to see if a woman he ... ...stabbed and left for ... ...the dumping ground m... ...able to identify him.

Ms. Love ...rsity cheerleader and high sc... ...gymnastics star, moved to Atla... ...fter she graduated from the ...versity of Texas with a degree ... ...musical education. She was 27 ... ...he was slain and, according to ... ...was soon to be engaged to he... ...ongtime boyfriend, Gorin's Homemade Ice Cream co-owner Mark ...an. Her preschool exercise bu... ...the Julie Love Creative Mo... ...for Children, was booming.

"Everybo... ...ery sad, very upset," said a ... who attended a prayer at t... ...e home. "Hardly any words c... ...such a tragedy, such a wast...

Off-Duty ...fficer Shoots Suspect ... ...ar Break-In

An offe... ...lanta police officer who ... ...g the early morning hours of ... ...men he spotted trying to break into cars along ... ...venue in north-

him with three counts of aggravated child molestation and one count of aggravated assault. Detective Christopher said Mr Gordon is from Canton, but has no permanent address. He is being held in the Cobb County Jail without bond.

Sandy McIntosh

Obituaries

Mr. Wallace E. Dooley
Delta Supervisor

Mr. Wallace E. Dooley of Fayetteville, a maintenance supervisor with Delta Air Lines, died Saturday night of a brain tumor at Clayton General Hospital. He was 52.

The funeral will be at 11 a.m. Tuesday at Carl J. Mowell and Son Funeral Home in Fayetteville with burial at Westminster Gardens in Peachtree City.

Mr. Dooley was born in Oconee County on Dec. 29, 1936, the son of V.W. Dooley and Lizzie Ruth Dooley.

He had w... ...s for Delta for 29 years. Mr. Dooley was a member of Rays United ... ...Church in ... ...

...ill mark the ... Olympic re... ...0 years since

Committee members ... of the opening of the 100's 95th session. Though the media don't vote on the 1996 host city, the presentations ... into its own," Mayor Young said. "We

OLYMPIC Continued on A4



ANDY SHARP/Staff

...with whom he has ...dispute.

Year's Sentence Has Swindall Blaming Others

By Gail Epstein
Staff Writer

Pat Swindall, sentenced Monday to a year in federal prison, continued to blame other people for his predicament, in much the same way he did when he was convicted of nine perjury counts.

The former 4th District congressman, in his brother, Kevin Swindall, made emotional pleas for leniency ... District Judge Richard C. Freeman ... Pat Swindall's ... with ... ...

AUG 29 1989

and Mickey. The support will ... ney's licensing and consumer products businesses, which had profits of $134 million last year.

"The Jim Henson Hour" and the current CBS Saturday Morning cartoon, "Muppet Babies."

... property of the ... dren's Television Workshop, the creators of "Sesame Street." Those characters will not be owned by the Disney family.

Banks Didn't Tell Police That Machines Took Ms. Love's Cards on Date of Death

From Staff Al

"We never received any information about the cards from the bank last year when we inquired," said Sgt. T.A. Knox, supervisor on the 13-month investigation. "They didn't even know about the card" until authorities seized bank records last week, she said.

Police also said that a First Atlanta bank investigator told them that the hidden camera at the "Tillie" machine installed to photograph those using it was out of film the night Ms. Love's card was used.

The cards in accordance with bank procedures were destroyed by ... two days after they were ...

First Atl... confirm or deny th... We wouldn't ... bank's market ... policy. ... sen... man Joe P... say that we have been ... operation with the investi... authorities early on and ... we to have our full support."

Ms. Love's ... killers tried to use a second card at a C&S instant banking machine at the West End Mall, according to Ms. Weldon's statement.

Atlanta police said they did not go to C&S about Ms. Love because she did not have an account there, but C&S officials said that under normal ... bank card seized by ... machines would be ... cardholder's bank. C&S ... said their West End ... not equipped with a hidden camera.

A C&S spokesman, Dallas Lee, said, "Daily bank transactions produce a constant flow of thousands upon thousands of electronic and paper records that are, under certain circumstances, available to the police upon request."

First Atlanta manager of investigations Tom Jones said he was unaware of plans to change the way the bank ... responds to police inquiries ... especially on customers' accounts.

Hammond, 24, of Marietta, and Mr. Porter, 20, of Union City, were arrested last week and charged with murder and kidnapping in Ms. Love's death a month after Ms. Weldon came forward with her statement.

Hammond has been named the prime suspect in the abduction, rape and attempted murder of a DeKalb County woman in May 1988, and the shooting death of a College Park man last August. All three incidents occurred when, if Hammond's probation revocation had gone through, he might have been back in prison.

Mr. Helms, the probation director, said Monday that probation officers were notified of Hammond's arrest Feb. 26, 1988, for driving 40 mph over the speed limit on Interstate 85 North in Hapeville and being a felon in possession of a firearm. He said officers sent a report of his probation delinquency to DeKalb Superior Court Judge Hilton Fuller, who signed an arrest warrant Feb. 29 charging Hammond with violating his probation on a 1982 kidnapping and armed robbery conviction.

But that warrant was recalled March 23, when a probation ... noted in Hammond's file that the weapons and speeding charges had been dropped.

"She got a call that said the charges were dropped," a corrections official said. "She can't remember who it was."

Hammond was convicted in October of two of the weapons charges and was returned to prison but paroled in January.

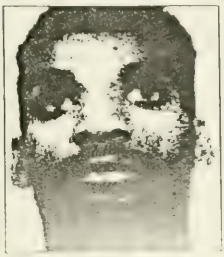
The officer, whose name officials declined to release, ... to the probation department after she got Hammond's case. She since has been transferred to another office within the department, Mr. Helms said.

"I'm not sure if we made any mistakes at this time," Mr. Helms said. "But if we did, we need to correct it and do things right. It's tragic that things like this happen."

Cases Thought to Be Linked to Suspect

Dec. 17, 1982: Emmanuel Fitzgerald Hammond kidnaps a woman in DeKalb County, stabs her and steals her car.

Jan. 5, 1983: Hammond is arrested for the offense.



Aug. 9, 1983: He pleads guilty and is sentenced to 8 years in prison and 2 years on probation.

Jan. 5, 1987: Hammond is released from prison after 4 years under a law that cut sentences in half for well-behaved inmates.

Feb. 26, 1988: Hammond is stopped for speeding in Hapeville and officers find a gun in his car in violation of his probation.

Feb. 29, 1988: DeKalb Superior Court Judge Hilton Fuller signs a warrant charging Hammond with violating his probation.

March 23, 1988: Hammond's probation officer receives ... from Hapeville ... charges ... dropped.

May 5, 1988: A DeKalb County woman is abducted. She is ... stabbed, her throat cut and left for dead in an illegal northwest Atlanta dumping ground, but she survives.

July 11, 1988: Julie Love disappears from Dover Road near Buckhead.

Aug. 21, 1988: The body of Gwendale Turner is found in College Park.

Oct. 3, 1988: Hammond pleads guilty to February weapons charges and is sentenced to two concurrent one-year prison sentences.

Jan. 6, 1989: He is released on a supervised reprieve by the state Board of Pardons and Paroles.

July 28, 1989: Hammond's ex-girlfriend, enraged after he allegedly beat her, tells police he killed Ms. Love.

Aug. 24, 1989: Hammond and William Maurice Porter are charged with murder and kidnapping in the Love case. Her skeletal remains are found in the Atlanta dumping ground. Hammond is named a suspect in the May assault and the August slaying.

Abuse Victim Would Be Outcast if Sent Home

The Associated Press

OLYMPIA, Wash. — State officials Monday agreed to fight deportation of a 9-year-old Bangladeshi girl who was molested by the man who brought her to America, then taken from a foster home because it wasn't "culturally relevant."

Earlier, the girl's foster parents and more than 20 supporters, fighting her removal and possible deportation, marched on the state Capitol demanding return of the youngster.

... guilty to taking indecent liberties with the girl and two other children. Sheriff's officials said he subjected them to "physical and psychological torture."

After Monday's rally, the state Child Protective Services (CPS) said it would review the case and fight deportation. Spokeswoman Irene Hopman said an education visa would be sought for the girl, allowing her to remain in the United States indefinitely.

But Ms. Hopman insisted that ... relinquished their rights."

Mr. Martin and Ms. Seidel were when they were surrounded by supporters after hearing the news. They had feared the state would allow the girl to be sent back to Bangladesh, where she would be an outcast because of the sexual abuse.

CPS workers took her from the Martin-Seidel home Friday, declaring it wasn't "culturally relevant."

The girl has been placed temporarily with her 19-year-old sister, ... whose marriage gave the Seidels ...

Join us and collection.

Marc Grant famous appealing mixe

Equal parts $240, th

man do," she declared. "Civilized people don't speak to dogs, children or servants that way, do they?"

"No," I said, laughing a little. I wanted to add "especially servants" because you can get husbands and wives and even children and dogs fairly easily these days, but servants are said to be non-existent except for the very wealthy or old-time employers who inherited theirs. However, I had to agree that the husband she described seemed to be a complete oaf and his actions hurt and embarrassed his wife and all beholders.

But it probably wasn't the worst domestic scene any of us has witnessed, not by any means. The worst — and this is more prevalent than you'd think — is downright physical abuse. The Council on Battered Women sent out a letter this month with this opener:

"Have you ever been afraid for your life? Have you ever been fearful for the lives of your children? Our clients have."

A surprising number of apparently decent citizens, especially those with severe mental or emotional problems of their own, including alcoholism, have been known to [illegible] around those they [illegible] and protect [illegible] with [illegible] pain and fear in a marriage for which she had every hope.

"I grew up believing 'once married, always married,'" she wrote. "I felt that the family should stay together, no matter what happened. The terrible abuse that I suffered and that my three children suffered finally made me realize that we had to leave to save our family. Fear kept us there, but fear for our lives made the decision to leave. We didn't know where to go, but any place had to be better than the con[illegible] ... He threatened to kill us. I finally believed him and made that first move."

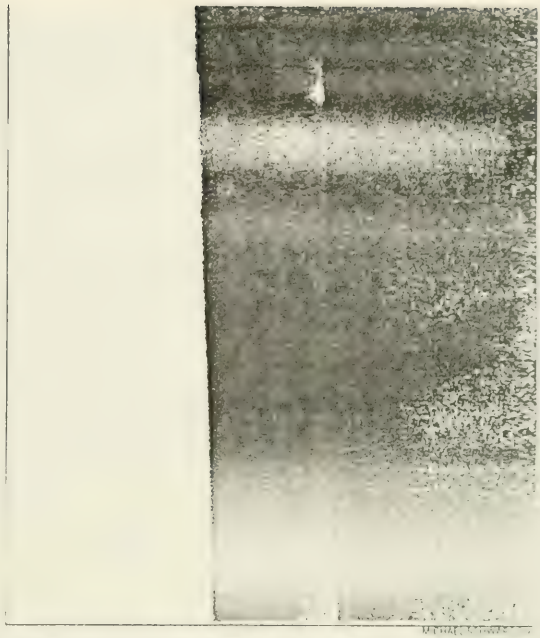
After 16 years of marriage, seven marked by abuse, she sought help at the only place she knew would take in her and her children and see them through the multitude of problems ahead — divorce, housing, job training and finding a job.

"It is my hope and prayer that Atlantans will keep the door of the shelter open for other battered women and their children," she concluded.

The council has a new facility, which opened in March, and it is open 24 hours a day to provide emergency shelter to beleaguered women and children. There is a 24-hour crisis line and possibility of a second shelter outside the Perimeter. And, of course, there is need of community support.

Jane Salter, president of the council board, thanked a long roster of Atlantans for their help, which has come in various ways — money, contributions of furnishings, volunteer duty — and expressed the hope that it will continue. Everybody's hope is that the shelter for battered women will be supported and continue to offer refuge as long as there are women and children who suffer abuse at the hands of husbands and fathers whose main concern should be to nurture and protect them.

The council has a post office box number — P.O. Box 54737, Atlanta, Ga. 30308 — for, of course, it wouldn't be wise for the street address to be known to vindictive batterers, and it is a good place to send contributions or to offer volunteer services.



Buckhead resident Janice Stone says, 'I used to see 20 joggers around here every night, mostly women. Now you might see two, but never any after dark.'

When a Stranger Knocks

By Alan Sverdlik
Staff Writer

"It would break my heart to think that Julie Love might have knocked at my door and I wouldn't have answered," said Janice Stone, her face wrenched in agony. At that point, the 35-year-old graphic [illegible] the juncture of Howell Mill [illegible] where Ms. Love appar[illegible] to walk up to the door of a house before turning around without knocking — and tried unsuccessfully to resolve what she calls "my fundamental question."

Indeed, ever since Ms. Love's skeletal remains were found last week, a wave of self-doubt has gnawed at Ms. Stone and the neighborhood south of Buckhead where she lives. Although residents point to recent examples of people coming to each each others aid — "This isn't New York, hard as rocks," one woman said — there has been much heartfelt discussion over what someone should do when a stranger shows up late at night, asking for help.

Ironically, it became the talk of the neighborhood despite the fact that Ms. Love — who walked up the driveway after running out of gas and refusing a ride from a man in a passing car — did not ring the bell.

Speculation also abounds as to why she did not seek aid.

"I would pound on someone's door. I'd have no qualms about it," said Barbara Park, 39, a photography and video stylist who lives about a mile from the spot where Ms. Love was abducted in July 1968. "I wouldn't expect them to open the door, but I'd expect them to call [the police]."

Although the neighborhood where the 27-year-old exercise teacher disappeared does not have a name, most residents describe it as the fringe of Peachtree Battle — a mixture of well-off families and young, single professionals live in the neighborhood which runs along Dover and Howell Mill roads but includes tree-lined avenues that intersect with Peachtree Street. With its stately oaks, Tudor homes and law-

PONDERING Continued on C4

What to Do if There's Trouble at the Doorstep

However convincing a person asking for help at your front door may sound, don't open the door.

That's the advice of the Crime Prevention Section of the Atlanta police.

On the other hand, if you're in trouble and must ask for help at a home, the best approach is to ask the person to call the police at once, said Officer J.M. Harris.

Rapists and thieves often try to talk their way into homes. Even if the person knocking truly needs help, he said, that's no reason to open the door.

If you're the person asking for help, it's best to get right to the point. "Please call the police," Officer Harris suggested saying. "I'm going to wait right here. I'm scared."

BUNKPORT



shop in Kennebunkport, Maine [illegible] Bush.

[illegible] the ion relish creation
[illegible] says Proprietor Jody Bibb[illegible]
[illegible] nice so popular "I can't keep
just a fun item."
[illegible] of In keeping with th[illegible]
[illegible] I gon one Payor is [illegible]
[illegible] gentler," and the labe[illegible]
[illegible] the shower [illegible]
[illegible] bad with a Dustin[illegible]
light."
Hal The more thrifty [illegible]
[illegible] d cu pick up plastic thumb[illegible]
Bush each, with Mr. Bush's [illegible]
95 them, or shot glasses [illegible]
[illegible] fea bearing the presidentia[illegible]
[illegible] d on the words "Kennebunkpor[illegible]

artists' boycott has led to the loss of two exhibitions of contemporary art scheduled for this season at the Corcoran Gallery of Art, and a third is endangered. The boycott comes in response to the Corcoran's cancellation of a Robert Mapplethorpe display.

More than a dozen artists all scheduled to show at the Corcoran this season — have taken steps to deny the institution the right to show their work. Two exhibits in the "Gallery One" series and designed to survey trends in contemporary art, have been withdrawn. A third, and larger, group show involving American and Soviet painters organized by the Modern Art Museum of Fort Worth, Texas, also appears in jeopardy.

The boycott has shredded the museum's contemporary exhibition program and threatens the Corcoran's attempts to reestablish itself as a serious venue for the showing of adventurous art.

"It's clear the Corcoran does not have the integrity to stand up for what they're supposed to be doing," said New York painter Ross Bleckner, one of the protesting artists. "If you choose to [illegible] an artist is important [illegible] portrait a [illegible] swirling around."

Christina Orr-Cahall, the Corcoran's director, said Tuesday that we are certainly very unhappy with artists' decisions to withdraw. We would hope they would recognize that we were confronted with an impossible decision, and that they would show their art here as a way to involve themselves with the discussions now going on.

"This is what we feared from Day 1. We're in the middle of the storm. We are working hard to combat the Helms amendment. We're trying to deal with the imperiled situation that we see now, and which we saw in April and May. It is no longer business-as-usual anywhere in the art world, and certainly not at the Corcoran.

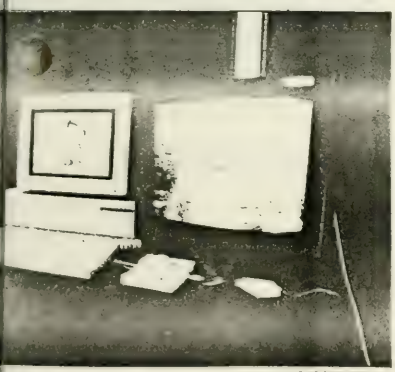
The amendment she referred to, introduced by Sen. Jesse Helms [illegible] would prohibit federal [illegible] the [illegible] the amendment has yet to be approved by a House and Senate conference.

The Corcoran's last-minute cancellation of the Mapplethorpe exhibit, which included a number of photographs of homosexual acts, has led to the boycott by artists and others who have accused the museum of knuckling down to know-nothings, censorship and more. Its reputation among many contemporary artists has never been lower. And the Mapplethorpe show was seen in Washington anyway. It closed earlier this month at the Washington Project for the Arts, where it attracted more than 48,000 viewers.

"10 + 10 Contemporary Soviet and American Painters," a touring show, may also be withdrawn. Though it remains on the schedule, its 10 Americans — David Bates, Ross Bleckner, Christopher Brown, April Gornik, Peter Halley, Rebecca Purdum, David Salle, Mark Tansey, Donald Sultan and Annette Lemieux — have begun discussions to determine what protest is appropriate.

Corcoran curator Terrie Sultan (artist Donald Sultan's sister) said that "all the artists I've talked to have been pretty vociferous. They want me to understand that their withdrawals are not directed at me personally, but they don't want to be seen as supporting or agreeing with the Corcoran's position, which seems to me faulty. [illegible] Chandler [illegible] the [illegible] through [illegible] between [illegible] say this is trash. This must not be shown,' is incredibly dangerous. Artists needle and push. We know that here. We know we can't go on with business-as-usual."

> from Day 1. We're in the middle of the storm. . . . It is no longer business-as-usual anywhere in the art world, and certainly not at the Corcoran.'
>
> — Christina Orr-Cahall
> Gallery director



Mike O'Bannon runs [illegible] the Atlanta [illegible] video he co-produced.

[illegible]ographs by LOUIE FAVORITE/Staff

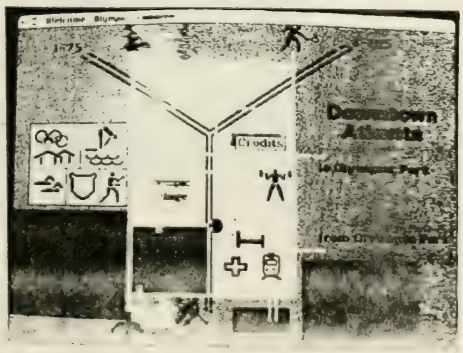
[illegible]aking High-Tech Video of Atlanta

[illegible]ent parks, [illegible]tor" to the [illegible]-a list of [illegible]gia World [illegible]ow far his [illegible] or locate

to convey [illegible]e shows a [illegible] the other [illegible]phic com[illegible]o get you

[illegible]me- [illegible],000, [illegible]rgia Tech [illegible]e and was [illegible]f staff, stu[illegible]he school [illegible]Bannon co-

[illegible]pies -- and [illegible]



Pondering What to Do When a Stranger Knocks

From Page C1

cropped as close as golf greens, the area is a study in tranquillity.

But the setting disguises a growing unease brought on by the bothersome issues in Ms. Love's case, Ms. Stone and others say. Ms. Love's remains were found in a northwest Atlanta dumping ground Thursday, and police have charged two men with her kidnapping and murder. She was snatched off the street, raped and shot, according to the former girlfriend of one of the men arrested.

"My mother was so tickled when I bought in an area that seemed so nice, so upscale, so secure," said Ms. Stone, who moved into a condominium in the area after living in Midtown and Peachtree Hills. "I used to see 20 joggers around here every night, mostly women. Now you might see two, but never any after dark."

Ms. Stone, worried that Ms. Love's slaying meant her neighborhood was on the verge of a long slide, took to the streets near Dover Road last weekend, asking people whether they would open their door if someone claimed to be in trouble. She asked co-workers at her nearby office the same question. When they said no, she said, "I asked them, 'What if it had been Julie Love?' "

"First you get a lot of blank looks," she recalled. "Then a [illegible] it beforehand than to judge a person through the peephole. One of them, Ms. Park, always turns on her porch lights and offers to call police before considering cracking her door.

Ms. Park, however, says she is leery about allowing "a strange woman in my home."

"A lot would depend on what a person could see or how the person knocking on the door appeals to you," said Robert DeLuca, 32, a Clayton County high school teacher who has lived in the neighborhood five years.

Susan Maier, who lives in a cul-de-sac off Howell Mill Road, also is loath to take a chance with someone who shows up on her doorstep. But "as nice and cute as [Julie Love] was, I wouldn't have been afraid to let her in," she said.

For Mrs. Maier, the more intriguing question arising from the case is why Ms. Love did not rap on the door — not whether her plea would have been answered.

Ms. Stone speculates that like many women reared in Southern households, Ms. Love respected privacy so much that she may have hesitated to disturb people she didn't know.

"I came from a background similar to that of Julie Love," she said, comparing her upper-middle-class upbringing in Oak Ridge, Tenn., to Ms. Love's in Birmingham, Ala. "I was always taught you didn't knock on [illegible] after dark.

Judge Orders Bryan Board to Reinstate Him

officials learned that he carries hepatitis B.

But a federal judge on Friday ordered Bryan County to reinstate the teenager immediately.

"Jeffrey's real happy," said his father, Ernest Shuman. "He doesn't want to go to school by himself. He wants to go with the other kids."

Mr. Shuman said his son bought a blue jogging suit to wear on his first day of school. "But it's too hot, and I'm going to get him some light weight stuff to wear on the weather turns cooler," Mr. Shuman said.

Torin Togut, the Georgia Legal Services attorney who represented Jeffrey and Mr. Shuman in their suit against Bryan County schools, said he was pleased by the court ruling issued Friday by U.S. District Judge Dudley Bowen Jr.

"This case was all about Jeffrey getting back in school with the other kids and having a normal life, which he hasn't had for the last three years," the attorney said.

Mr. Togut said Jeffrey will also be allowed to ride the school bus, eat in the school lunchroom and participate in physical education, although the court order bars him from engaging in body-contact sports.

When Jeffrey was first barred from classes, the school sent material home for his father to tutor him, but Mr. Shuman said he was not competent to do that. Then a

HEPATITIS Continued on E4

THE MAYOR'S RACE '89

ard's afraid I'd bring out his deficiencies on the issues."



ares a laugh and a handshake Tuesday with Angelo F[illegible], Maynard Jackson's press secretary.

Contributions Near $1.5 Million

nt-Runner
n in Debate

and
son Jr.

ised nearly $1.5
ayoral campaign
tion through mid-
ancial disclosure
n filed Tuesday.
ackson campaign
more than 6,000
93,914.15. In addi-
6 to the campaign
nostly by hosting
ne former mayor,
okesman.
on's main oppo-
sea L. Williams,
ar chest of about
— and had spent

y organized and
began to lurch for-
s moved into a de-
Peachtree Street.
dquarters for U.S.

Jackson's finan-
the clerk of
p.m., re-

rs gave less than
ozen contributed

least $10,000 was
of Home Depot

The Mayoral War Chests
(Through Aug. 19)

Candidate	Raised*	Spent
Jackson	$1,413,122	$1,193,914
Williams	$35,000	$5,000

*Jackson campaign has also received $150,425.86 in in-kind contributions. Half of Williams's money raised is from loans.
Source: Jackson financial disclosure statement; Williams interview



JOHNNY CRAWFORD/Staff

Maynard Jackson (right) has spent more than $1.1 million so far in the campaign.

Inc. The company's chairman and chief executive officer is Bernard Marcus, who was a co-chairman of the executive finance committee of Fulton County Commission Chairman Michael L. Lomax, who withdrew from the mayor's race Aug. 8.

Another $10,000 contributor to Mr. Jackson's campaign was American Golf Corp., the California-based company that manages the city's four public golf courses.

Several companies in Chicago, home of Mr. Jackson's law firm, Chapman and Cutler, contributed to his campaign, as did several New York bond houses. Merrill Lynch contributed $17,500 and Drexel Burnham Lambert gave $5,000.

Mr. Jackson also released a personal financial disclosure statement this week showing that he holds fiduciary positions in four businesses: his law firm; United Security Employee Programs Inc., an insurance brokerage service; Jackmont Inc., a financial and business consulting service; and NCM Capital Management Group Inc., a Durham, N.C., money management firm.

In addition, Mr. Jackson disclosed that he is a shareholder of interests in four other corporations and that each of those interests has a fair market value of more than $20,000. Those holdings include interests in The Coca-Cola Co.; Chasewood Partners-Thousand Oaks, an Irving, Texas, real estate investment firm; Stratigraphic Resources Ltd., a Dallas oil exploration and development entity; and Linc Trust, an equipment leasing company in Chicago.

Mr. Jackson, who is required by state law to file the disclosure reports 15 days before the Oct. 3 mayoral election, had said he wanted to file before he was required to do so. The campaign is currently compiling ad-

WILLIAMS Continued on E4

Love Case May Involve 4th Person

Man Says He Saw Part Of Woman's Ordeal

By Adam Gelb
Staff Writer

Authorities are investigating a report that a fourth person was present during at least part of the [illegible] abduction [illegible]

A man [illegible] Saturday that [illegible] witnessed all or part of the four- to five-hour ordeal of the 27-year-old preschool fitness teacher from the time she was kidnapped July [illegible], 1988, until her death from a shotgun blast.

Fulton County prosecutors met with the man's attorney Tuesday morning and detectives are trying to confirm his story. They would divulge no details.

Also Tuesday, state Corrections Commissioner David C. Evans ordered a formal investigation into why Emmanuel Edgerald Hammond, one of the two men charged with Ms. Love's slaying, was not returned to prison for a probation violation five months before she disappeared and before another slaying and an attempted murder of which he is accused.

"The commissioner wants them to take a look at any angle, any way, shape, form of involvement with probation officials, any communication, any warrant or hint of warrant or anything else," said corrections spokesman John Siler.

Officials have said Hammond's probation officer, who had just been assigned to his case, canceled probation revocation proceedings on March 23, 1988, after receiving a phone call from someone who said the charges against Hammond had been dropped.

Mr. Evans appointed three top probation officials to look into the matter, and Mr. Siler said they might reach a conclusion as early as today.

Meanwhile, officials of First Atlanta bank said they did not tell police investigating the Love case that one of their instant banking machines had seized her "Tillie" card the night she vanished because officers asked them only whether there had been any "activity" on her account.

"Activity," as defined by bankers, means withdrawals or deposits, First Atlanta officials said. Ms. Love had given her captors the wrong secret codes to her cards and no withdrawals were made. Bank officials said since police never queried them directly about a possible seizure of Ms. Love's card, they did not

MAN Continued on E4

AUG 30 1989

Colleagues Divided on Assessor

Testimony Conflicts On Clayton Official

By Gary Hendricks
Staff Writer

Two Clayton County tax assessors gave conflicting courtroom testimony Tuesday on the job performance of embattled Chief Tax Assessor Lee Roy Smith, with one calling him "marvelous" and the other "dishonest."

Mr. Smith, 53, chairman of the three-member Board of Tax Assessors, is fighting in Clayton Superior Court to [illegible] attempts by the County Commission to remove [illegible] levying [illegible] duties.

Each side called one of Mr. Smith's fellow assessors to testify in the second day of a hearing on the allegations.

One charge is that he created a special computerized list to exempt about 150 residential properties from general countywide revaluations.

"I believe in my heart that Lee Roy Smith had never taken any money for that list, but that doesn't make it any less dishonest," said assessor Charles M. "Mick" [illegible].

In March, [illegible] work man took on additional duties as chief appraiser, he ordered the county's data processing department to eliminate the list of exemptions.



Lee Roy Smith

However, James H. Creglow, who retired as an assessor in July, said Mr. Smith took over a "topsy-turvy" office swamped with thousands of appeals from a countywide revaluation which he was appointed to the [illegible] because [illegible] and left in [illegible].

"I thought he did a marvelous job," Mr. Creglow said. "He improved the office and was a good administrator. It is in good shape because of him."

During the first day of the hearing Monday, Brian Madison, a staff appraiser, testified that he had fabricated figures to lower property values at least 100 times on orders from Mr. Smith.

Mr. Workman and Mr. Creglow testified they had never witnessed Mr. Smith ordering the appraiser to reduce the tax liability, but Mr. Workman said he had "[illegible] the results of [illegible] ing done."

Brownlee Will Remain Incarcerated

From Page E1

Most damaging to Mr. Brownlee's case at Tuesday's re-hearing was the testimony of Dr. Martin Youngleson, a clinical psychologist, who said he was transferred out of Georgia Regional Hospital at the end of July after being told "I was responsible for having too many patients on the forensic unit." He had worked there 9½ years.

Mr. Brownlee, a 12-year postal worker, said voices told him to kill before he pulled a .22-caliber pistol and shot two co-workers to death and wounded a third at Atlanta's main post office. He has been confined to Georgia Regional Hospital since a jury found him not guilty by reason of insanity in June 1985.

Dr. Youngleson testified that he [illegible] Mr. [illegible] and psychologist [illegible] psychologist said he found that Mr. Brownlee "continues to have thoughts of hurting others, both physically and sexually."

On the day of the evaluation, he said, Mr. Brownlee made the comment that "he felt like shooting somebody that day."

Dr. Youngleson's testimony was in conflict with that of a psychiatrist, Dr. Cassandra F. Newkirk, who has been assigned to the hospital's forensic unit since June. Dr. Newkirk testified that Mr. Brownlee is not a danger to himself or others and no longer meets the criteria for civil commitment.

Dr. Newkirk also denied that there is any policy by the hospital to seek release of criminal offenders to create bed space.

Mr. Brownlee's lawyer, Tony Axam, urged the court to give the patient a month-to-month release coupled with outpatient treatment and periodic blood tests to determine whether he is taking his medication, a solution the judge rejected as "an administrative nightmare."

Assistant District Attorney John Isom told the court that Mr. Brownlee once was allowed to stop taking his medication at Georgia Regional and was put back on his regular dosage when he showed renewed symptoms of his mental illness.

Judge Eldridge said after the hearing that he has "very grave questions" about DHR's policies. "Is it to get beds or to turn people out who are not a threat to themselves and others?" he asked.

Killed in the shooting spree were Phillip Sciarrone, 32, of Riverdale, a postal clerk, who suffered a bullet wound in the head, and Warren M. Bailey, 45, of Marietta, a supervisor who was shot in the chest. Douglas M. Adams of Woodstock, a postal clerk, was hospitalized with a head wound.

Man Claims He Witnessed Part Of Julie Love's 4-Hour Ordeal

From Page E1

check records of such seizures.

Atlanta police said Tuesday that when they inquired about Ms. Love's account, they were using the term "activity" loosely, wanting to know if First Atlanta had any information about the account pertinent to a criminal investigation. They said on July 19, 1988 — eight days after Ms. Love vanished and four days after the case became public — bank investigators told them there had been no activity in the account.

"I think we've learned a very, very important lesson," Boris Melnikoff, security chief at First Atlanta told WAGA-TV. "We will strive in what we do to do it in an appropriate manner."

Police said knowledge of the seized card could have led to a quicker solution of the widely publicized crime, which eventually involved hundreds of hours of investigation by numerous law enforcement agencies, including the GBI and FBI, over 13 months.

Police and GBI agents said they did not know about the card — and another one that was seized by a C&S automated teller also near the West End Mall and apparently returned to First Atlanta — until they obtained a statement from Hammond's ex-girlfriend, Janice Weldon, who detailed Ms. Love's ordeal.

As a result of her account, police last week charged Hammond, 24, of Marietta, and William Maurice Porter, 20, of Union City, with kidnapping and murder. The six-page account by Ms. Weldon does not mention a fourth person, but officers said it was possible the suspects picked him up after dropping off Ms. Weldon and before Ms. Love was killed and dumped in thick woods in northwest Atlanta. Police speculated the man may have come forward in return for leniency, perhaps in another case.

Williams: Debate or Face 'Christian Actions'

From Page E1

ditional financial records and will file again on Sept. 18, campaign treasurer Raymond J. McClendon said in a letter accompanying the disclosure report.

to hear above the freeway din.

Mr. Jackson, who has said he will appear only in a debate forum with all the other candidates, maintained that posture Tuesday.

"Maynard Jackson does not re[illegible]pond to threats from another can[illegible]

Earlier in the day, Mr. Jackson told the Atlanta Chamber of Commerce that immediately after his swearing-in as mayor, he would begin working to improve the capacity of Hartsfield International Airport.

Obituaries

More Obits

Mr. Edward Middleton, Ex-Editor of the Weekly Copper City Advance

COPPER HILL, Tenn. — Mr. Edward A. Middleton Sr. of Copper Hill, retired editor of the Copper City Advance, a weekly newspaper distributed in Georgia's Fannin County, died of cardiac arrest Sunday night at Copper Basin Medical Center. He was 74.

The funeral was Tuesday at Finch Funeral Home in McCaysville, Ga., with burial at Crestlawn Cemetery in Copper Hill.

Mr. Middleton began working for the newspaper as a high school student after his brother, Frank L. Middleton, bought the publication. Edward Middleton served as the paper's editor for many years after World War II. After his brother died in 1970, the newspaper was sold to Community Newspapers Inc., but Mr. Middleton continued working for [illegible]

Edward Augustus Middleton [illegible] was born Oct. 7, 1914, in Byronsville, Ga. He attended the Southern School of Printing in Nashville, Tenn.

During World War II, Mr. Middleton was in the Army in the China-India-Burma theater, rising to the rank of captain. He was recalled to active duty in the Army during the Korean War.

Surviving are his wife, Virginia McCay Middleton; two sons, Edward A. Middleton Jr. of Knoxville, Tenn., and Gene M. Middleton of Doraville, Ga.; a brother, J.B. Middleton of Athens, Tenn., and one grandchild.

Mrs. Geraldine P. Allison, Delta Reservations Agent

Mrs. Geraldine P. Allison of Peachtree City, an international reservations agent with Delta Air Lines, died Monday of cancer at Emory University Hospital. She was 55.

The funeral will be at 2 p.m. today at East Point Christian Church with burial at Westview Cemetery.

Surviving are her husband, Thomas M. Allison; two sons, Eric T. Allison of Fulshear, Texas, and Alec C. Allison of Gales Ferry, Conn.; a daughter, Alicia M. Allison of Peachtree City; two brothers, Arthur N. Porter Jr. of Peachtree City and James H. Porter of East Point; five sisters, Louise Hawkins of Fayetteville, Kathryn Middlebrooks of Atlanta, Maxine Holcombe and Ora Jean Gunnin, both of East Point, and Charlotte McCrary of Moultrie; and three grandchildren.

Rev. Henry A. Carroll, Pentecostal Minister

The Rev. Henry A. Carroll Sr. of Scottdale, a Pentecostal minister, died of kidney failure Monday at his home. He was 63.

The funeral will be at 3 p.m. today at Hairston Road Church of God with burial at Melwood Cemetery.

He was a Marine veteran of World War II who served in the Pacific.

Surviving are his wife, Doris Kuykendall Carroll; three sons, Henry A. Carroll Jr. of Lawrenceville and Tim Carroll and Phillip Carroll, both of Stone Mountain;

Mr. Rayf... Retired ...

Mr. [illegible] a retire... Lockhe... died M... tone He...

The... day at ... ist Chu... at 3:30 ... tery in ...

Mr. ... nooga, ... Lockhe... He was ... Yaarab ... saw M... Andrew ... Sur... Greene ... Cagle ... Knight ... Marie... Jr. of ... dren.

Mrs. ... Hom...

B... Barro... er, d... Health...

The... day at ... Clarke... church...

Su... Barro... of Cl... of ... ren... Jessi... ters, ... both ... dren...

Mrs. L... Homen...

M... Norc... day ... Rep... 78.

T... Thurs... Churc... White...

Su... Pedro ... the Ph... leta o... Estel... both ... aleta ... of No... sauga... Bravo ... Moral... broth... pidio ... pines ... and ... Philip... 14 gre...

Mrs. ... Hom...

M... ton, ... emph... 53.

T... day ... The ...

THE ATLANTA CONSTITUTION

For 121 Years the South's Standard Newspaper

James W. [illegible] 1950-1953 · James M. Cox Jr. Chairman 1953-1974

Jay Smith
Publisher

Ron Martin
Editor

Dennis Berry
President

Tom Teepen
Editorial Page Editor

Glenn McCutchen
Executive Editor

John W. Walter Jr.
Managing Editor

PAGE A-8, WEDNESDAY, AUGUST 30, 1989

The Price for 'Tough' Probations

The savage and [illegible] and murder of Julie Love [illegible] enough. Add to that the [illegible] about [illegible] particularly [illegible] ous criminals off the [illegible] you have a recipe for public outrage.

But don't blame local law enforcement officials. The melange of inappropriate punishments and bungled case reviews that passes for a system of probation and parole in Georgia is brought to you by your Legislature and Superior Court judges.

During the period of months when Emanuel Hammond allegedly attacked Ms. Love, killed a College Park man and raped a second woman, he should have been in jail for violating the terms of his probation on an unrelated crime. [illegible] officer somehow failed to keep track of him.

That may have been written off as a simple case of human error with horribly tragic consequences. But as state Corrections Department spokesman John Siler said, "Things like this are not uncommon."

That's because Georgia has a ridiculous non-system, unrealistic and unwieldly, for keeping track of lawbreakers it places on probation or parole. It tries to punish too many people for too long for too many crimes, making it impossible to keep up with the violent offenders like Hammond. Some judges place felons on probation for as long as 20 years, not only amassing an unmanageable caseload but making it likely probationers will be sent to prison for trivial probation violations and take up room that should be reserved for violent criminals.

Currently, 2 percent of Georgia's adult population is either in prison, on probation or on parole — an extremely high percentage. In 1983 and 1984, Georgia's probation rate led the nation. In 1985 Georgia slipped to No. 2 behind Texas.

The [illegible] changes have a punitive [illegible] terms. There are currently 124,000 people on probation in Georgia and an additional 15,269 on parole. (Parole is given only after incarceration; probation may come in lieu of jail or after a jail term.) Moreover, the system is poorly organized and understaffed. The Department of Corrections has 576 officers to supervise the 124,000 probationers. A separate department, Pardons and Paroles, has 267 officers to supervise the 15,269 parolees.

A sensible and timely fix was proposed a year and a half ago by a group of criminal justice experts appointed by Gov. Joe Frank Harris. They recommended that probation and parole terms be limited to just five years and that combinations of prison and probation be prohibited. That way, there would not be nearly so many people on probation. And, instead of having to keep up with check-forgers and pickpockets for pointlessly long periods of time, the state's probation and parole officers could concentrate on violent offenders. What happened to the legislation? The Senate passed it, but the House balked.

Legislators knuckled under to pressure from prosecutors and Superior Court judges, especially Superior Court Judge Dan Winn, chief judge in the judicial circuit where House Speaker Tom Murphy lives and often practices law. The judges didn't want to surrender any of their clout — or any part of their claim to a tradition of "tough" sentences.

So the judges protected their turf, rather than the citizens of Georgia. And the citizens of Georgia are paying the price. Just ask Julie Love's family and friends.

Imposing a Cambodia Pact May Be Futile

Barring a last-minute turnabout, the Paris conference called to work out a Cambodian peace plan is headed for a crackup. It is a sad but not unexpected outcome, one that means the 10-year conflict to oust Vietnam's occupation army will doubtless be followed, after the Hanoi-ordered withdrawal on Sept. 21-27, by Cambodians killing Cambodians in a struggle for power.

Don't blame the impasse on outside [illegible]. Most of [illegible] billed as a last groping for a Cambodian accord (though it probably isn't).

The State Department lays Mr. Baker's no-show to frustration with the stubbornness of Vietnam and its creation, the Phnom Penh regime of Premier Hun Sen — a troublesome contrast, it says, to the flexibility of Prince Norodom Sihanouk, the titular head of the Cambodian resistance.



Letters to the Editor

Demands of DeKalb School Board Mem

The DeKalb County Board of Education has taken a very positive stand in trying to set aside all vestiges of a segregated school system as staff assignments have been made.

This letter addresses the dissension and discussions that have arisen during the past two months that have caused board member Phil McGregor and the NAACP to disrupt two Board of Education meetings.

The entire upheaval has been caused by Mr. McGregor's statements to the black community that alleged that the board was not giving the black community its fair share of promotions and that there were no black administrators.

The Board of Education, not Mr. McGregor and the NAACP, decided that rather than have three associate superintendents reporting to the deputy superintendent under a reorganization plan, that there would be four associate superintendents, two white and two black.

The entire dispute, and this was confirmed by Mr. McGregor, is that he was upset because he wanted the position of associate superintendent for administration, in charge of supervising the executive directors and principals, to be filled with a black and he wanted to name that individual.

He accused Superintendent Robert Freeman of lying to him, but in a open meeting prior to any promotions the superintendent had stated that he would bring public only a recommendation for which he could get four votes. Mr. McGregor's candidate could not get four votes.

The board attempted to confer upon Dr. Eugene Walker the title of affirmative-action officer as well as her of personnel. Mr. McGregor publicly objected to that and wanted to name someone else who would report directly to the superintendent. Prior to the discussion in June, Dr. Freeman has recommended that a minority person who holds a doctorate be appointed an affirmative-action officer reporting directly to the superintendent. Mr. McGregor objected to this. He held up the appointment and confirmation of a female black assistant superintendent who has a doctorate for three months because he objected to the individual. The board finally made the confirmation. Mr. McGregor attempted to block the appointments of the first and second black associate superintendents in the DeKalb school system.



DAVID AUBRAY Special
Gordon Joyner (right).

tion were also filed against Mr
Blackwell Wednesday by the De

yers familiar with the law said
The amendment provides for

REAL Continued on C5

HAIR WARS IN HENRY

ce for an Education, a Fashion Show.'



GREG FOSTER/Staff

Wednesday as another student lowers the flag to half-staff at the Henry schools offices.

h School Officials on Dress, Hair Code

ARTICLE, PAGE C2

Lankford Inquiry Continues

Successor List in Works In Case Sheriff Indicted

By David Corvette
Staff Writer

Fulton County officials are preparing a list of potential successors to Sheriff Richard B. Lankford in the event a federal kickback investigation results in his indictment and suspension from office.

Several government and law enforcement sources close to the investigation say two central figures in the inquiry have provided evidence against the sheriff and testified before a federal grand jury.

"While I respect the FBI and the IRS, I disrespect the manners of intimidation by investigators to try and force something out of people that does not exist," he said. "It is still my contention that I have done nothing wrong."

According to well-placed sources, who asked not to be named because of the sensitive nature of the investigation, Jack T. LeCroy, principal partner in the company that provides food services to the county jail, is among those who

Mr. LeCroy declined to confirm that he has testified to the grand jury. "I'm not going to answer that question," he said.

Ellis L. Brownlee, the former chief jailer who sources say also has testified against the sheriff, did not return repeated telephone calls. Marshall L. Mitchell, owner of

FULTON Continued on C12

Weekend

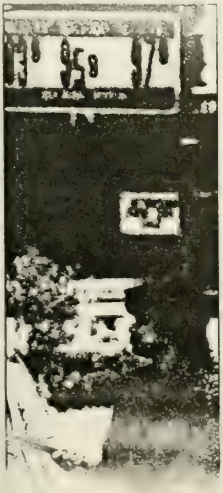
filled its 52 condomini-
n additional 80 time-
s, according to spokes-
ly Schriver.

h spots close to Atlanta
ng on huge crowds
Gardens is expecting
rs, many of whom will
day biking, swimming or
largest living butterfly
n North America, said
ell, a spokeswoman for

dens will be the location
h annual National Kid-
tion triathalon Sunday.

Lanier's Stouffer Pin-
t, officials said they also
be fully booked by the

aren't driving as
activities around Atlan-
Battle of Atlanta re-en-
riday, Saturday and Sun-
rsville, the laser show at
ntain, which closes for
after Labor Day, the
ssroads



DeKalb DA, Judge Blame Each Other For Allowing Hammond to Go Free

By Adam Gelb
Staff Writer

DeKalb County's district attorney and a Superior Court judge blamed each other Wednesday for not having put convicted felon Emmanuel Fitzgerald Hammond back in prison before the night he allegedly killed Julie Love.

District Attorney Robert Wilson said Judge Hilton Fuller is responsible for dropping probation revocation proceedings against Hammond. The judge, however, said he only let Hammond out of jail until Mr. Wilson's office called for a revocation hearing — which it never did.

The confusion apparently stems from the fact that the judge's decision — made during a conference with two assistant district attorneys and Hammond's lawyer on March 23, 1988 — was never written down.

Judge Fuller, chairman of the Council of Superior Court Judges, and the two prosecutors each have different recollections of what he meant. No court reporter was present and no formal written order was issued.

Hammond's attorney, Harry Hutchinson, said Wednesday he

DISTRICT Continued on C10

Woman Charged With Child Cruelty

Keeps Girl [illegible] Burns, Scratches

AUG 31 1989

Georgia
Georgia
ter to
day. The
Confere

Prison
A pris
Sandy Sp
charges s
The
April 21
suspect
branch
Bank bra
messenge
19 robber
FBI s
Georgia
from the
held with

Cobb T
Cobb
agency w
tape that
Willia
Cobb Co
Barragar
day on
lery and

Acc
A
of fata
as it a
Pen
day in t
Carey, 41
Slaton.
Mr. Ir
of Thom
without
gusta as
fired on

Ga.
A
come c
tion for
BASI
courages
1,700 peo
percent h
The f
year to o
ganizatio
program

Cars
A
Wednesd
timely us
Atlan
ers were
legally on
Street. So
land and
Wednesda
cent to th
illegally p
"We h
said he ha
and pay $
there, we

New Bl
An old
three-alar
ning.
The M
Martin Lu
p.m. and
Hut since
cause of h
The pr
and burni

District Attorney, Judge Blame Each Other for Freeing Hammond

From Page C1

did not recall handling the case or any details about it.

In a prepared statement, Judge Fuller said, "I authorized the release of Mr. Hammond from custody pending a full hearing based on the nature of the subsequent charges and his record on probation as presented to me at the time. Why the probation revocation hearing was not set, I cannot explain, as petitions for revocation are prepared by the District Attorney.





Hammond

Hammond was arrested Feb. 29. He was on probation for a 1983 kidnapping and armed robbery conviction. He and his cousin, William Maurice Porter, 20, are charged with abducting and murdering Ms. Love on July 11, 1988, and Hammond has been named the suspect in a rape and attempted murder in

If his probation had been revoked, Hammond would have been returned to state prison.

Mr. Wilson contended that in the meeting Judge Fuller canceled the arrest warrant charging Hammond with probation violation, making it impossible to revoke his probation. He said if the judge meant to set Hammond free only until a full hearing could be held, he failed to communicate that.

"It's not only his decision, it's his order and when it's his order then regardless of what he intended, how it gets communicated is what you end up getting," Mr. Wilson said.

The prosecutor said DeKalb sheriff's records and probation files indicate that Judge Fuller, who





rest warrant Feb. 29, 1988, recalled that warrant March 23.

A copy of a sheriff's warrant record obtained by The Atlanta Journal-Constitution includes the handwritten notation "Recalled per Judge Fuller 3-23-88. Warrant returned 04-06-88 from Fulton County." State corrections officials have said Hammond's probation officer noted in his file March 23 that the charges — apparently the probation violation charges — had

Hammond's DeKalb County court file contains no records of either an order to lift his no-bond probation hold pending a hearing or an order recalling the warrant, Superior Court Clerk Whit Smith said.

Court officials said no orders are official unless they are committed to paper but they said many are not. "It's not unusual that something like this would be handled over the phone," one court official said.

[probation violation charge] without a full hearing," Judge Fuller said. "Records which may indicate to the contrary are in error. I share the regret of all concerned that this matter was not pursued so that this court could have acted on the pro-

The two prosecutors present at the meeting disagree about what was decided. James Richter, senior assistant district attorney who prosecuted Hammond in the 1983 trial and tried to persuade Judge Fuller not to release him, said Wednesday the judge clearly recalled the warrant.

Eleni Pryles, a junior prosecutor who has since moved to Washington, D.C., said in a memo to her former boss written Wednesday that "Judge Fuller decided to remove

manuel Hammond to make the bond that had been set for him in Fulton County." That action would have allowed Hammond to post $1,550 bail for the weapons charges and be released from the Fulton County Jail — which is what happened — but it would not have barred prosecutors or probation officers from seeking a revocation hearing.

Contacted by phone Wednesday, Miss Pryles said she doesn't "recall exactly what the words were. The only thing I can recall is Hammond

Mr. Richter and Ms. Pryles said they warned Judge Fuller that "the blood of Hammond's next victim will be on your hands" and that, "Someday, Judge, you will pick up your morning paper and read where Emmanuel Hammond has struck again."

Georgia Newsbriefs

Prisoner Gets 5 More Years in Tax-Fraud Scheme

MACON — A state prisoner was sentenced Wednesday to serve five years in federal prison for his role in a tax-fraud scheme.

The inmate, David L. Williams, led a scheme in which he and five fellow inmates at Rivers Correctional Institution in Hardwick filed false income tax returns to try to get refunds by mail. Authorities said the inmates produced phony W-2 forms claiming income and filing for refunds on Form 1040-EZ.

Prosecutors said prison officials intercepted the refund checks. Ten of the returns — filed during early 1986 — claimed refunds of $1,316.09 each. An indictment alleged that four other returns — filed later in 1986 or during 1987 — claimed refunds of $1,729 each. Williams is to begin serving his five-year federal sentence after he has finished serving a 1982 sentence of 20 years for armed robbery.

Woman Charged In Cruelty Allowed To Keep Toddler

From Page C1

Ms. Johnson, whose child remains in her custody, told the officer that the child had been scratched and burned while playing with a curling iron, according to the report. She was released at the scene with a copy of the charges. A preliminary hearing scheduled Monday was postponed until Sept. 19 so a public defender could be appointed to represent her.

According to the police report, officers were flagged down Friday

Beth Hallel
Messianic Congregation
Friday, eve. Shabbat Service 8:00 p.m.
Saturday, Shabbat Service 11:00 a.m.
Rabbi Joel Soloman, Pastor
950 Pine Grove Rd
Roswell, GA 641-3030

Jerry Baker, America's Master Gardener

ON SALE THU



5.97
Sale Price Bag. Choice of f
Green 10-6-4 fall winterfer
formula for southern grasses

Nursery Stock And Bagged Goods Excl



2.27
Sale Price Bag. Bermuda grass seed. 1-lb. net wt
5-lb.* Bermuda Grass Seed. 11.7
*Net wt



3.77
Sale Price Bag. Annual/perennial ryegrass seed*. 18-lb.** Tall Fescue 23.47

as a teacher."
hopes to resume teaching
ntt County, where many
ffered support and encour-

Stem he said, people in the crowd-
ed classroom cheered

"These are good people, and
there's no way we can ever repay

the state board decides, Mr. Mock said, the local board would meet with an attorney before taking ac-

EX-TEACHER Continued on C3

sited

ls Resolved, iet Again



GREG FOSTER/Special

is the only candidate for mayor, and once elected
ve no budget to contend with and no staff to oversee.

y Hall, troversy

sed the way
out the mat-

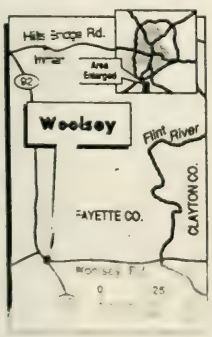
hat has no
man Robert Kenknight

"[illegible] thing created such a storm that I [illegible] a suit and go down to the County Commission because of all the controversy the decal stirred up."

The dispute prompted city officials to start holding regular monthly meetings and run regular meeting announcements in local newspapers. Annual election notices that once were posted on a Coke machine in a lo-

WOOLSEY Continued on C3





Hammond Facing New Count

Suspect in Love Slaying Linked to DeKalb Case

By Adam Gelb
Staff Writer

DeKalb County authorities Thursday charged Emmanuel Fitzgerald Hammond, one of the accused killers of Julie Love, with abducting and robbing another woman and slitting her throat two months before Ms. Love disappeared.

The [illegible] who was raped, was left for [illegible] the same dumping ground [illegible] Love's body was found.



Hammond

[illegible] ter the [illegible] the May [illegible] attack [illegible] him in a [illegible] at the DeKalb Public Safety complex in Decatur, police said. Authorities took a sample of his blood for comparison tests with that of the man who raped her.

DeKalb District Attorney Robert Wilson declined to say whether the victim [illegible] out Hammond in the [illegible] or who was there [illegible] [illegible] quite some time."

Hammond is being held in the Fulton County Jail without bond in the slaying of Ms. Love, 27, and DeKalb authorities plan to prosecute him after the Love case is decided.

According to police, the DeKalb case is similar to the Love killing, except the woman they say was present during the first attack didn't turn in her accomplice.

Michele Jackson was convicted in the DeKalb case in June 1988, and is serving two consecutive life terms for kidnapping with bodily injury and armed robbery, plus 20 years for aggravated assault, Mr. Wilson said. Hammond was charged Thursday with the same offenses.

DeKalb police arrested a man in August 1988 for the crime and the victim identified him in a lineup. But he was released after genetic testing showed he could not have been the man who raped her.

Ms. Jackson apparently never told authorities who she was with, but James Weldon did. In a six-page statement to Fulton County police — made 13 months after Ms. Love vanished and the day after Hammond allegedly beat Ms. Weldon and threatened her life — Ms. Weldon claimed she was with Hammond and his cousin, William Maurice Porter, when they abducted Ms. Love from a quiet street near Buckhead July 31, 1988.

Ms. Weldon said that about a month after Ms. Love's killing, Hammond "pointed at a place off Johnson Road where he said that she was, and also the first white lady that he had killed." Police said Ms. Weldon apparently was unaware that the victim of the May attack had survived.

[illegible] details of the two cases are [illegible] victim, a pro-

SEP 1 1989

of her and took her hands" in affection.

Hospital X-rays detailing more than 20 fractures on the tiny bodies of Alexandra and Gwendolyn Rupert led authorities to believe that the couple was less gentle with their babies. Both parents were charged with two counts of cruelty to children.

Mr. and Mrs. Rupert remained in the DeKalb County jail Thursday night. They were being held in lieu

Scott
fract
treat
The
fant
be tr
tion,
had
S
the
she
police
tified

Metro A Newsbr

Judge Dismisses Lawsuit Again

A federal judge dismissed a lawsuit Thu ty Sheriff Earl Lee, who claimed the case w

The lawsuit filed by Michael Nolin, a fo fully ran against Sheriff Lee last year, alle prived of his right to due process when he and then demoted from deputy to cook at th had worked for the Douglas County Sheriff signed Nov. 11 1986.

Mr. Nolin's attorneys presented three d ber jury, including testimony by Mr. Nolin

Eastern Flight With Engine Tro

An Eastern Airlines 727 with 103 pe emergency landing Thursday at Hartsfield lost power in one engine, said airport and

None of the 96 passengers or seven cr Flight 241 was injured in the incident, whi plane departed Hartsfield at 2:20 p.m. for H Eastern spokeswoman Bobbi Giordano. The the airport, she said, and passengers were

School Employee Facing Drug

An Atlanta schools employee who charges of [illegible]

suspended without pay, school officials s

Thomas Wade Glass, 38, of 1275 Hi Thursday and will remain suspended "un spokeswoman Murdell McFarlin said. Mr school system nearly 17 years, was an ext while working a noon to 8 p.m. shift, Ms. M known as a generally good employee.

Ms. McFarlin said Mr. Glass, who is be Fulton County Jail, rarely came into contac

S.W. Atlanta Man Charged in

Atlanta homicide investigators have man with beating his girlfriend's 3-year-o Clifton Lamar Burton died Wednes

Hospital. The boy had bruises over a said Dr. Steve Dunton of the Fulton Coun which appeared to have caused brain dam doctor said. "That's the only way to explai

Thursday afternoon, police arrested H cade Road and charged him with the murd

Developer Charged in Bank Fra

Atlanta real estate developer Frederic ple indicted Wednesday along with forme Butcher on charges of bank fraud and cons

The 51-count indictment accuses But loans and using the money to pay defense interest on earlier fraudulent loans. Also time partner, Earl D. Wilson, currently s term, and Wilson's wife, Harriette.

Mr. Streck is named in five counts of t an for the U.S. Attorney's Office in Orlan "participating in fraudulent activities" Bank of Orlando. If convicted, Mr. Streck, Florida, could be sent to prison for 22 yea

Broker Bows to Injunction Afte

Real estate broker Gordon G. Blackw contempt citation Wednesday, removed fo the front yard of a house he owns in Ston Thursday.

Mr. Blackwell of Sandy Springs, was fo trict Judge Orinda D. Evans after he disre tion by erecting the three signs The Aug selling or leasing the house, which he all

SEP 1 1989

$374 million rate increase request, most of which will go for part 2 of the $8.87 billion Plant Vogtle nuclear power facility. The hearings ran more than five hours longer than normal so that participants could finish a day early.

Georgia Power officials must submit their written rebuttal testimony Wednesday. The utility's witnesses will take the stand again the week of Sept. 11 in intensive hearings in the rate case. The PSC already has scheduled Sept. 28 vote on the request.

During Thursday's hearings, Commissioner Bob Durden disputed Georgia Power's argument that performance standards for nuclear units would create a potential safety problem at the plant.

Witnesses for the PSC staff recommended that Georgia Power's request be reduced by $100 million. Durden said he would support a reduction of $150 million.

Georgia Power officials said they would not comment on the testimony until they had a chance to review it.

Durden also questioned whether Georgia Power's nuclear plant operators will try to do a Band-Aid approach to keep it on line and try to run it when it should be down.

Mr. Miller added, "It's something that happens [elsewhere], quite frankly, and management of the company is quite concerned how performance standards like this will flow down the ranks."

On another issue, several commissioners again sharply questioned the value of large scale conservation efforts as a way of avoiding the cost of building future power plants.

James Clarkson of Southwire Co. testified that expensive new plants could be replaced by conservation and programs designed to cut consumption or reduce peak load and by power from independent producers.

State May Be Dealing Itself Out On Waste Disposal, Feds Warn

By Charles Seabrook
Staff Writer

Georgia's hazardous waste incinerator may not be needed until 1993 — and maybe not at all, the state's federal overseer said Thursday.

Tom [illegible], planning and evaluation for the Environmental Protection Agency (EPA) regional office in Atlanta, said Georgia and Hawaii are the only two states in the region that have not yet signed a preliminary agreement to work toward the development of a regional waste disposal plan.

He said if Georgia doesn't join the interstate compact, it could be barred from disposing of its hazardous wastes in other states.

South Carolina and Alabama, which receive much of the 76,000 tons of hazardous waste now generated in Georgia each year, have already threatened to [illegible] shipments.

Georgia's only hazardous waste landfill is in Taylor County in southwest Georgia, but state environmental officials said Thursday the plant is likely to be two or three years behind schedule.

By federal law, Georgia must show by Oct. 17 that it will be able to dispose of all hazardous waste generated in the state — either within its own borders, or by agreement with other states.

Richard Riley checks the blood sugar level for his 4-year-old son, Andrew, who has diabetes.

Day-Care Center Reneges On Keeping Diabetic Child

By Connie Green
Staff Writer

The parents of a diabetic 4-year-old Gwinnett County boy were told Thursday by officials of a Buford day-care center that they would no longer be responsible for the child because he needs special medical care.

La Petite Academy cared for Andrew Riley for seven months, but officials of the day-care center called the child's father Thursday to tell him to quit bringing Andrew to the center.

Richard and Ronda Riley have always been pleased with La Petite's care of their son, Mr. Riley said, and were shocked by the decision because center personnel had never voiced concern about giving Andrew daily glucose tests to check his blood sugar level.

Mr. Riley said he [illegible] personally [illegible] and [illegible] Andrew [illegible] A spokesman [illegible]

test, which involves pricking the boy's finger for a drop of blood and putting it on a chemical pad to determine if his blood sugar level is normal.

Mr. Riley said there's "nothing we can do" about the preschool's decision. "It's not against the law," he said. "But I still think it's ... discrimination against sick children."

La Petite officials said their decision was based on liability, particularly since their centers have no trained professionals on staff to address special medical needs, such as shots and blood tests.

By caring for Andrew, the Buford center violated company policy, which prohibits employees from giving shots and blood tests to children, said Dr. Robert A. Rodriguez, executive vice president of La Petite Academy Inc., a Kansas City-based preschool chain.

"If we had a registered nurse or a licensed practical nurse on staff, we'd do it in a second," Dr. Rodriguez said. "It was a mistake to begin offering this service [illegible]

Two years ago, a private [illegible] to the school and trained personnel to deal with the child's needs.

The good news for the Rileys is that Andrew will qualify for public care next year when he's old enough to attend kindergarten in Gwinnett County's school system.

Hammond Charged in Abduction, Robbery

From [illegible]

ducted about 11:3[illegible] Aug. 1988, from in front of her apartment on Rock Springs Circle off North Rock Springs in northeast Atlanta. Her attackers forced her into her car, a blue-gray 1987 Pontiac Grand GS, and drove her to at least three instant banking machines, police said.

DeKalb police used a picture taken by a hidden camera of one of the tellers that showed the suspect's face, officials said. The com- an was forced to withdraw a total of $200.

She was then taken to an illegal dumping ground on Grove Park Place, off Johnson Road in northwest Atlanta, where she was raped and sodomized, police said. Detectives said Hammond then stabbed her five times in the chest, slit her wrists, cut her throat and covered her with a green blanket.

But the victim made her way to the road where, after several cars passed without stopping, a man and his child picked her up and took her to the Grady Northwest Clinic. Her rescuers have never been identified.

The skeletal remains of Ms. Love were found in the same dumping ground Aug. 24. According to Ms. Weldon's statement, Hammond and Porter, 20, of Union City, abducted the preschool exercise teacher after her car ran out of gas. Ms. Weldon said she and Porter tried to use Ms. Love's instant banking cards. Porter then raped Ms. Love and Hammond killed her with a shotgun.

Officer Testifies He Shot Teen in Self-Defense

From Page [illegible]

lesby, who in self-defense fired his service revolver [illegible]. David stopped moving [illegible] according to the defense.

Officer Oglesby, 31, of Decatur, now a patrolman in Zone 1, testified Thursday that although he shot David, "I did not kill him. There's more to it than that.

"It was a confrontation — yes, he did die and I discharge my weapon six times and he was hit five times," he added. "When I was shooting, I wasn't counting bullets. He was coming toward me with a knife, and I remember [illegible] spinning and going away from me and I was shooting the space where he was attacking me.... I did not intentionally shoot him in the back."

His testimony [illegible] to continue this morning.

The plaintiffs contend that the shooting was also reckless because only 28 seconds elapsed between the time Officer Oglesby first radioed in and when he reported that a person had been shot.



Samples



Oglesby

Two bullets hit David in the chest, two in the arm and one in the back, the Fulton County medical examiner, Dr. Saleh Zaki, testified. They were fired from no further than 4 feet, he said, and one traveled at a downward angle through David's body.

Traces of toluene, an ingredient of airplane glue, were found in David's blood, and evidence of marijuana was detected in his urine, Dr. Zaki said.

Dr. Zaki also said David was 5-foot-9½ and weighed 128 pounds at the time of his death. Officer Oglesby testified that he is 5-foot-8, weighs 215 pounds and enjoys lifting weights as a hobby.

After Judge Orinda D. Evans originally dismissed the lawsuit in 1986, the 11th Circuit Court of Appeals ruled that a jury must decide the significance of the physical difference between the two, why David was shot in the back and why the knife was found unopened near his body. Judge Evans is presiding over the trial.

The lawsuit, which asks for unspecified damages, was filed after an internal police investigation and a civilian review board cleared Officer Oglesby of any wrongdoing.

Parents Oppose King Day for School Makeup

by [illegible]
a C[illegible]
for our acc[illegible]
FUR[illegible]
FRIDA[illegible]
SATURD[illegible]
SUNDAY
MONDA[illegible]
6135 [illegible]
(Beh[illegible]
PLEASE U[illegible]
FULL LENGTH M[illegible]
If Sold At Retail, Wo[illegible]
FOR THIS FUR LI[illegible]
$119
NO PRICE LOWE[illegible]
SOUTH.
ABOVE, JUS[illegible]
[illegible]CATION C[illegible]
TO EXPE[illegible]

System Failed To Protect Julie Love

Overhaul Is Necessary, Before New Tragedies

By Robert E. Wilson
Special to the Journal-Constitution

In the aftermath of recent revelations about those arrested in the Julie Love case, it is incumbent upon us to step back and take a rational and intelligent look at how our criminal justice system can be improved.

The news media have [illegible]

Ms. Love's murder [illegible] point, however, if we look for a scapegoat in the criminal justice system to blame for this one offender being at large and ignore the broader issues highlighted by the case.

For years, those of us in the criminal justice profession have been warning state lawmakers of a crisis in our prison, parole and probation system. Judges, prosecutors, parole board members and probation and corrections officials have long recognized that our [illegible] policies [illegible] protect the lives and safety of our citizens. In most cases, a criminal defendant now serves only a small fraction of the sentence imposed by a judge.

How have we arrived at this point? The increase in our state population over the past two decades, particularly in urban areas, society's apparently insatiable appetite for drugs, and the lack of quality education for many of our children have brought social and economic problems that fuel the fires of crime. While the crime rate and the severity of crime have mushroomed, our response has lagged far behind.

Instead of making the tough decisions to build adequate prisons for dangerous felons and adequate alternatives for less violent offenders, our lawmakers have taken cheaper and more politically expedient steps. Slowly and steadily over time, the laws enacted by the General Assembly and the policies and rules developed by parole and corrections officials have reversed the function of the criminal justice system. A system that was once designed to keep criminals in prison is now designed to let them out. A system that once did an adequate job of protecting the public and punishing offenders now provides us with minimal protection and

JUSTICE Continued on D2

Robert E. Wilson is DeKalb County's district attorney



Racism Is Alive, and Its Effect

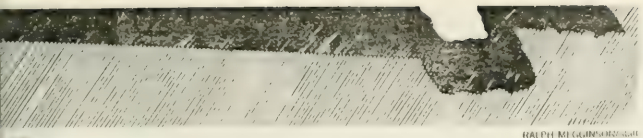
By Margaret Beale Spencer
Special to the Journal-Constitution

For an hour last Tuesday night, millions of white Americans got an uncomfortable look at what it's like to be an African-American in this country. If ABC's courageous documentary, "Black in White America nothing else, it demonstrated that rac alive and well in the United States.

Twenty-five years after passing rights bill banning racial discriminatio 21 years after the brutal murder of Dr tin Luther King Jr., who shunned vi and decried racism, this country is fa color-blind.

As the documentary showed, blac dren as young as 3, when presented wi tures that are identical except for skin will choose the white person as sm

Margaret Beale Spencer, an associate professor of educational studies at Emory University, is a developmental psychologist who has conducted research on minority children for more than 20 years



RALPH MEGGINSON/Staff

...out $33 million a year, less ...n half of 1 percent of the total ...te budget, and so would not ...m to raise a major problem. But ... long-term growth in this reve... cost may be much greater than ... Legislature is anticipating – ...ause of the projected increase ...the elderly population, and be...se of likely political pressure to ...and the relief program.

The latter may be especially ...portant. Already there are pro...als to increase the benefits of ...red state employees and teach... as compensation for the new ... they must bear; some legisla...s are calling for a reduction in ... threshold age to 55, and the ...tter of indexing the exemption ... inflation will eventually be ...sed. In states such as Minnesota ... Colorado, such relief provisions ...e eventually reduced state ... ...r tax collections ... ...

... Taxable Income ... deferral ...

tive would have been to provide the subsidy in the form of a direct government expenditure. Tax expenditures do not carry the negative social connotation of a subsidy program and they are relatively easy to administer. But they are also relatively invisible; they do not show up directly in the budget or in the tax rate, and therefore are less likely to be scrutinized and controlled.

Not All the Elderly Are Poor

The best argument for a relief program for the elderly is equity. Many senior citizens must live on fixed incomes and face heavy, or potentially heavy, medical and general care expenses. A relief program targeted at those above retirement age, the argument goes, would make the tax system more equitable.

65. Social Security benefits are in...

dexed to inflation, while the minimum wage is not. Many retirees draw substantial income from private pensions and annuities. And medical assistance and property tax relief programs have alleviated the claims against the fixed-income budgets of the elderly.

The bottom-line question is this: Why provide relief to all the elderly in order to reach the elderly poor? If the objective is to make the distribution of tax burdens better conform to the ability to pay, then why not cast the relief program in terms of income rather than age?

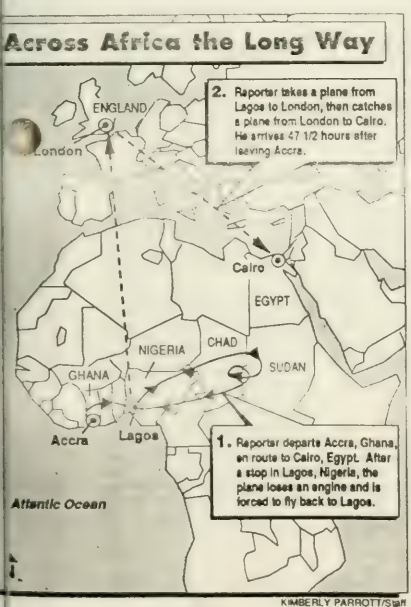
There is also the issue of whether an income tax exemption is the best instrument for providing relief. It probably is not. The poor or near-poor elderly receive their benefits primarily through Social Security, medical assistance ...

... concern

... derly and the myriad of state expenditure programs that are designed to reach senior citizens? The central question that the Legislature should grapple with is how the whole fiscal system treats the elderly and whether this particular proposal is necessary to bring the system more in line with what the voters want.

What is the right thing to do? If the bigger questions about the goals of the state tax system have not been thought through, then the best strategy in the upcoming special session is to respond to the federal court mandate narrowly, without committing the state to a long-range course that may prove undesirable. Compensatory benefits to retirees who are losing their tax-exempt status could satisfy this objective.

In the longer run, Georgia needs to undertake a comprehensive reform of its tax structure that conforms with its broad social and economic goals. Only then will 11th-hour decisions about which food to exempt from which sales tax, and how large an income tax exemption will be provided to which groups of people ... placed by ... [illegible] ... [illegible] ... [illegible] ...



KIMBERLY PARROTT/Staff

...plane dipped right. The plane jerked left. The plane ... under control again. But it listed, like a flying crab. The ... was making a long, descending turn. Could a 707 ..., one asked the window, in one of those braided mud-...verbeds far below? Would the insurance pay off one's ... Express bill?

... you can't go 100 feet in Nige... ...thout paying off some fixer or ...ly employed gunman ... three ...gers who were either carry... ...their luggage or who didn't ... damn about their luggage ...t to London.

London's Gatwick ...

day morning. Alas, at the appointed time, the plane's door wouldn't ... another plane, and it left five hours later.

At 3 a.m. on Wednesday the plane landed in Cairo. At 4:30 —

Justice System That Failed Julie Love Needs an Overhaul

From Page D1

renovate in the face of lawsuits, as minimal punishment.

... years ... [illegible]

would serve at least one third of his sentence. That in itself, of course, was a low figure. Because of the pressure brought to bear on an overcrowded prison system, however, even this rule has been abandoned. Today it is rare for any defendant to serve a third of the imposed sentence. The diligent work of police officers, prosecutors and judges is meaningless in a system where the sentence is not carried out.

Now is the time to examine our system and rebuild it. The system is not broken; in fact, its framework is sound. But it does need an overhaul. It will take thoughtfulness, energy, planning and a willingness to commit our resources to the No. 1 function of government — public order and the protection of citizens.

Obviously, we can't just build more prisons and expect that our problems will be solved. But prison-building *is* a major part of the solution. During the last General Assembly session, Gov. Joe Frank Harris recommended — and I commend him for it — the allocation of funds to build space for 5,000 inmates. Yet studies show that even after these spaces are built, we will remain more than 5,000 beds short of our current needs.

The correctional system must be run as a business. That means we must act on sound management and fiscal principles day to day, month to month and year to year, rather than maintaining the status quo and waiting for a crisis to strike. It means we must look ahead with ... planning. It means ... building constant reevaluation and ever-diligent monitoring. It means we can't have years in which the budgetary process simply ignores the need to expand and renovate ... [illegible] ...

we have done too often in the past.

It is time to make an intelligent analysis of what our prison needs will be tomorrow, next year and a ... [illegible] ... needs.

Among the needs I see are more prison beds for dangerous felons. We can no longer commit the folly of granting early release to violent criminals while pretending that they are not really violent.

In addition to traditional prison sentencing, we need creative alternatives for non-violent offenders. The criminal justice system must have sufficient work camps, diversion centers for drug and alcohol treatment, probation detention facilities, ... intensive probation resources and mental health facilities to deal with those offenders who do not need a more secure prison environment and whose problems need specialized attention.

Once we have sufficient prison and incarceration resources, then we can turn our attention to the issue of sentencing. The Legislature should amend our sentencing statutes to make them more like those of the federal system, which puts more limits on judicial discretion. Many defense attorneys and their clients have complained of the rigidity of the federal system. Private citizens do not complain, however, because those guidelines protect the public interest.

All of this will require an expenditure of funds heretofore unmatched. But I think we as a society have the will to do what is necessary to save ourselves and our children from becoming an ever more fearful class of victims.

Julie Love was the very highly ... [illegible] ... but she is not the only victim. In my work I have seen hundreds of others like Julie Love who have not had the protection they deserved as ... [illegible] ...

By David K. Secrest
Staff Writer

While utilities in the state and around the nation are giving consumers more information on their bills, Georgia Power Co. is bucking the trend.

Last month, Southern Bell revamped the detailed explanations leading to the bottom-line number on customers' monthly bills, and Atlanta Gas Light Co. did the same thing seven years ago.

Nationally, gas and electric utilities in only four states fail to itemize recurring charges on monthly bills, according to a 1987 report by the National Association of Regulatory Utility Commissioners.

But Georgia Power Co. plans no change, even with its pending $374 million rate increase request. When customers are billed for October usage, the bare-bones information on it will not shed any light on the complicated calculations resulting from the rate case.

Instead, consumers will continue to get just the basic facts — the starting and ending kilowatt-hour readings, the total usage and the overall dollar amount charged.

"We [have] ... long tried to keep the [illegible] ... as simple as ... the ... amount," Georgia Power spokesman David K. Altman said.

"That's why we have the telephone number on the bill, so people can call us if they want more information," Mr. Altman said. "If the interest goes beyond that, obviously it's easy to get a more detailed breakdown. The philosophy has been to keep it simple and understandable."

The Public Service Commission (PSC) decision Sept. 28 is expected to change the three key bill components: the base fee, the charges per kilowatt-hour of usage and the payment for what the utility spends on fuel to generate power.

After new rates take effect, Georgia Power does provide a general explanation of the changes in [illegible] ... of the amount paid for fuel costs.

In contrast, Southern Bell reworked its bill format so that the information is presented more clearly and in fewer pages, said Lynn Bress, associate manager of public relations for Southern Bell in Georgia. "It's more organized, and it's easier to read," Ms. Bress said. "It reflects as closely as possible what the customers told us they wanted on the bill."

The average number of pages in the residential telephone bill has [illegible] ... from [illegible] ... to [illegible] ... pages.

Although [illegible] ... in late 1987 is large part to show that the so-called purchased gas adjustment accounted for a significant portion of the total charge, utility spokesman Ross Willis said. The utility does not earn a return on what it spends to buy natural gas.

The PSC has not received consumer complaints about billing information, commission spokeswoman Harriet Van Norte said.

Practices vary from state to state, but 37 states itemized how the billed amount was derived, according to the [illegible] ... Twenty-[illegible] ... states explain the calculations, the report said.

The Public Service Commission decision Sept. 28 is expected to change the three key bill components: the base fee, the charges per kilowatt-hour of usage and the payment for what the utility spends on fuel to generate power.

Example of a monthly residential utility bill

WHAT THE GEORGIA POWER BILL TELLS CUSTOMERS

Meter reading present	Meter reading previous	KW hours used	Rate name	Amount
22075	19875	2200	10*	$199.73**

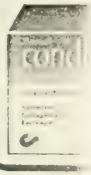
* Indicates residential service
** Includes $9.52 in sales tax

WHAT THE GEORGIA POWER BILL DOES NOT TELL CUSTOMERS

Base charge		$ 7.50
Customer charge		
First 650 kilowatt hours at 4.349 cents	$28.27	
Next 1,550 kilowatt-hours at 7.566 cents	$117.27	
Overall customer charge	$145.54	
Fuel Cost Recovery		
2,200 kilowatt hours x 1.6896 cents		$ 37.17
Subtotal		$190.21
Sales tax		$9.52
Total bill		**$199.73**





All Types


Mandatory Class in ABCs of Running A City Proposed for 1st-Term Officials

The Associated Press

MILLEDGEVILLE, Ga. — "Mill [illegible] ... and [illegible] ... legal certificates. And "Advanced City Budget Preparation" is absent from high school course offerings.

But such subjects are ones that City Council members will encounter during their tenure as elected officials.

That's why Milledgeville Councilman Ken Vance wants all newly elected council members in Georgia to be required by state law to take courses covering the issues they'll face once they're sworn in.

"We're in an age where government is extremely sophisticated," said Mr. Vance, a member of the Georgia Municipal Association's professional development committee and board of directors. "Decisions need to be made based on knowledge and information. A lot of times decisions are made based purely on emotion, and then you have to go back and undo the things that you found you couldn't do."

Mr. Vance proposed the training [illegible] ... Committee members liked it and will present it to the full 44-member GMA board in early October.

The GMA is not alone. The Association County Commissioners of Georgia also is considering mandatory training of county commissioners.

Although still in the formative stage, the GMA idea would require all newly elected officials, mayors included, to complete 12 hours of training before taking office. Re-elected officials would be asked to [illegible] ... six hours of training.

"If we are going to be the best governors of people, it behooves us to be as educated and knowledgeable as we can possibly be," said Mr. Vance, who has been a Milledgeville councilman for eight years. "I don't think the public should expect anything less."

The GMA already offers workshops and training in conjunction with its four state conferences held [illegible] ... George, director of membership and information services for the organization.

"If it is approved, we would have to offer [workshops] many more times," said Mr. George, who said home study courses and weekend seminars probably could be arranged.

If the GMA board approves the measure, the 436 member cities then would be advised of the move. The next stop would be the Legislature, which would have to adopt the resolution before it could become Georgia law.

One point still to be decided in the plan is the penalty for council members who don't meet the requirements. Mr. Vance said a person who doesn't get the required training should lose the right to vote on the council, although he added, "That may be strong."

Atlanta Police Charge Hammond With Rape

By Sandra McIntosh
Staff Writer



Atlanta police Tuesday charged Emmanuel Fitzgerald Hammond, one of the two people accused of killing Julie Love, with raping a DeKalb County woman who was left for dead in the same spot Ms. Love's body was dumped.

He is also [illegible] ... considered a suspect in four other rapes that have occurred since December 1987, Atlanta Sex Crimes Investigator Dale Kelley said, and investigators are searching their files for other cases that resemble the attacks.

"We have four with very similar motives ... and the like," Investigator Kelley said. "He's being considered heavily as a suspect in each."

Police charged Hammond Tuesday night with the rape of the DeKalb County woman, who was kidnapped May 5, 1988, in front of her apartment on [illegible] ... Circle.

Hammond already has been charged in [illegible] ... County with kidnapping, armed robbery and aggravated assault in the attack on the woman, but because she was raped and stabbed and her throat was slit at the spot on Grove Park Place off Johnson Road in Atlanta where Ms. Love's body was found, Atlanta police added the charges of rape and aggravated sodomy, as well as a second count of armed robbery, Investigator Kelley said.

In addition to being charged with Ms. Love's murder and the rape, Hammond is also the key suspect in the slaying of a College Park man, Gwendale Turner, who was found shot to death Aug. 21, 1988.

Want
Busi
222-2000 ha

You know you have a great business, b
difficult in our competitive market. Attr
be a problem if you know where to tur

Voice Information Services, Inc., a servi
has advanced technology that brings h
electronic version of the yellow pages
222-2000.

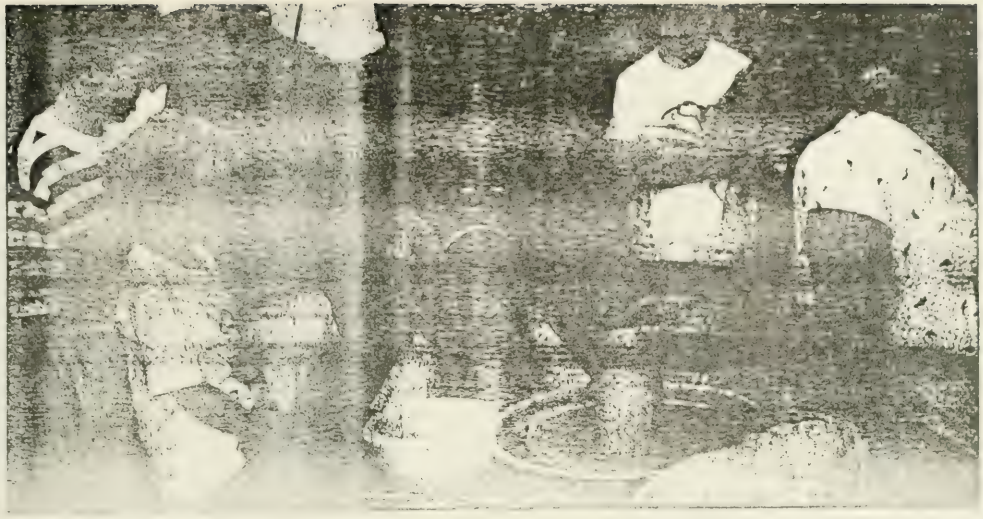
For example, when a person needs an
virtually any service or product, they c
A competent, courteous operator locate
service or product and CONNECTS the

One number. One call. It's quick, conv

We handle over a quarter of a million
businesses. If you want more business,
for a special 10% discount off our regu

For more information, ca

222-
CONSUMER BUYERS
A free service of the Atlan



Darden Backs Military Aid to Embattled Colombia

By Connie Cunningham
Staff Writer

U.S. Rep. George "Buddy" Darden (D-Ga.) said he supports American military assistance to the embattled nation of Colombia because powerful drug cartels are trying to overthrow that country's government.

Speaking to the Austell/South Cobb Rotary Club last week, Mr. Darden called the situation in Colombia "deplorable." The 7th District Democratic congressman also said the South American nation's problems are unlike those suffered by other Latin American countries, whose troubles are rooted in politics and ideology.

Noting that the United States should avoid involvement in other countries' politics whenever possible, Mr. Darden said the difference here is the [illegible] elected government [of Colombia] is in great danger of being overtaken and overthrown by an international drug conspiracy."

The congressman said an estimated 80 percent to 90 percent of all cocaine produced in Colombia ends up in the United States.

Consequently, as incredible as it may be and as drastic as it might seem, I think if there is a proper request submitted to President Bush from the Colombian government, after consultations with our neighbors south of here, I think it may be well-advised to assist the Colombian government if they need our help," Mr. Darden said.

DARDEN Continued on G4

Women Kick Off Petition Drive In Wake of Julie Love Slaying

By Michele Laurita
Staff Writer

Outraged by the early prison release of a man later accused in the Julie Love slaying, a Smyrna woman and her niece have started a petition drive demanding that criminals be kept locked up.

Teresa Bortner and her 17-year-old niece, Shay Sharpe, set up a table Aug. 30 and 31 in front of the Winn-Dixie grocery store on Spring Street in Smyrna, where they collected 600 signatures.

Above the women's head hung the sign that said: "Help keep criminals like the one who killed Julie Love behind bars."

The petition said: "We are outraged at the early release of criminals from prisons before they have served their sentence, and the fact that many do not serve their time for crimes — we demand that more prisons be build immediately to house these criminals so they serve the time they deserve."

Mrs. Bortner said she got a good reception.

"People were so eager to sign, they were standing in line," she said. "Most people didn't even read the petition, they just saw the sign."

Mrs. Bortner said she was prompted to do something a few days after recent newspaper reports about Julie Love's accuser.

Ms. Love, a 24-year-old Buckhead resident, vanished July 11, 1988, after leaving a career-counseling session on Lenox Road in Buckhead. Police found her body two weeks ago after making two arrests in the case.

"My niece and my daughter were sitting around talking about the incident, and my niece asked me, 'What is it going to be like 15 years from now?' and said she wanted to even have children," said Mrs. Bortner. "It sent a chill down my back.

"I've never done anything like this before, but I just couldn't stand it. I'm tired of lying down and taking it.

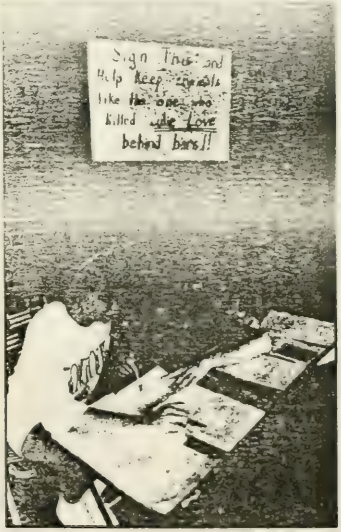
"I'm afraid for my family," said the 38-year-old mother.

Mrs. Bortner and her two daughters, 19-year-old Shannon and 9-month-old Anna Elizabeth, and husband, Fred, have lived in Cobb County three years. Her niece is from Columbia, S.C., and was visiting her relatives last week.

Mrs. Bortner's concern was triggered by reports that the man accused of murdering Ms. Love last year committed the crime after his early release from prison.

Police say Emmanuel Fitzgerald Hammond, 24, one of two suspects in the slaying of Ms. Love and the "prime suspect" in a College Park slaying and a rape and attempted murder in DeKalb County, was sentenced to eight years in prison on kidnap-

WOMEN Continued on G4



JOE McTYRE/Staff

Teresa Bortner (right) and her niece Shay Sharpe wait to collect signatures for their petition.

United [illegible] To Be Tc

By Pari Esley
Staff Writer

This year's [illegible] raising campaign will be a [illegible] first time.

All funds got under way last week rected by a local [illegible] died by a local [illegible] Sumner, senior campaign

"We recognize that [illegible] munity has its own needs cerns," he said. "We [illegible] we can do a better job w ized campaign."

Previous campaigns nine other counties in [illegible] ta have been directed fr lanta office, Mr. Sumner

But three years ago ties in the area began their own campaigns.

This year, not only Fayette and Cherokee co be directing their own efforts for the first time ner said.

This year's goal for C is $2,087,728, an increase cent from the amount

...iddle Schools ... Participate ... Drug War

...rawings to Grace Calendar

By Charles Walston
Staff Writer

...i drug poster contest is giving middle ...dents in Cobb County a chance to make ...history — at least for a month.

...t Attorney Thomas J. Charron is sponsor... ...petition for students in grades 6-8 at all ...schools in Cobb County and ... of Marriet... Students will be invited to submit origi... ...ts that convey anti-drug messages, and a ...m each school will be included in a full ...quality calendar for the upcoming year.

...arron plans to use up to $2,... in money ...n drug traffickers to ... ...endars, which will ... ...schools by Decembe...

...pters in the contest ...w will have until Sept. ... to submit their ...riginal art can be in any ... but should ...8½ by 11 inches or smaller proportions, he ...

...ubject of the posters is limited only in that ...onvey an anti-drug message. Mr. Charron ...

...want kids to start feeling the subject mat... ...said.

...ontest will not be limited to art students, ...on said.

...e we'll be delighted," he said. ...who enters the contest will receive a ...dar when it is published, and a winner ...

...ers also will receive savings bonds of an un... ...ed amount and will be invited to a banquet ...ol officials and law enforcement officers, ...n said.

...Georgia will be invited to sell the calendars ...s, Mr. Charron said. Any proceeds that re... ...s office would be used to offset the cost of ...the said.

...ntest will make ... law enforce... ...ssroo...

...is the age ... make a conscious de... ...o experiment with ... ...ug," he said.

...ch Hall
...RIC ROSWELL
...TS
... DAYS
...inds of the past!
...pment and
...n Dancers
..., Candle Dipping,

Women Want Criminals Kept Behind Bars

From Page G1

ping and aggravated assault charges in 1983.

He was released four years later despite the prosecutor's objection.

The prosecutor, DeKalb District Attorney Robert E. Wilson, called a news conference late last month to say that if Hammond is guilty of these crimes, stiffer sentencing laws could have prevented them.

Hammond pleaded guilty to kidnapping and armed robbery on Aug. 8, 1983, and was sentenced to 10 years. He was required to serve eight years before he could be paroled, but he was released in 1987 despite a warning from Mr. Wilson's office to the parole board that Hammond's background "demonstrates an assaultive nature and ... that he ... a threat ... the community."

Teresa Bortner said she plans to mail the petitions to the governor, Georgia's two U.S. senators and state legislators.

"If the laws had been stricter and our warning had been heed... ...been in this position today and Julie Love's life could have been spared," Mr. Wilson said. "Something should have been done to ensure he served the full term."

Mr. Wilson said similar occurrences will continue until "people stand up and demand that these people stay in jail."

Mrs. Bortner said she plans to mail the petitions to the governor, Georgia's two U.S. senators and state legislators.

"I'll continue to do this until the system gets changed," she said.

Summary of 1989 School Bond Issue*

ELEMENTARY SCHOOLS (Increased expenditures / ... existing schools)	
Acworth	$310,000
Addison	$8,000
Argyle	$290,200
Austell	$90,000
Baker	$18,000
Bells Ferry	$69,000
Belmont Hills	$24,000
Big Shanty	$222,000
Birney	$139,800
Blackwell	$255,000
Brown	$299,000
Brumby	$140,500
Clarkdale	$279,000
Clay	$152,900
Compton	$65,000
Davis	$33,500
Dowell	$18,000
Due West	$117,200
East Side	$178,600
Eastvalley	$65,000
Fair Oaks	$92,000
Frey...	$10,0...
...	$65,0...
...	$...
...	$
Kennedy	$ 57,6...
Kennesaw	$8,400
Kincaid	$101,800
King Springs	$291,400

LaBelle	$
Lewis	
Mableton	$
Milford	$
Mt. Bethel	$
Mt. View	$
Murdock	$
Norton Park	$
Powder Springs	
Powers Ferry	
Riverside	
Rocky Mt.	$
Rose Garden	
Russell	$
Sedalia Park	$
Skyview	$
Sope Creek	$
Still	$
Teasley	
Tritt	
Total	**$6,...**

New elementary school (Kennesaw Mans... Hill/West Cobb, Riverside areas) $1...

Grand total ...20,...

Smyrna
Daniell
Dickerson
Dodgen

* Some countywide items are not included

Cobb Has Big Plans fo...

From Page G1

...ticating ...ing and ...kitchen

...built and part of the heating and air conditioning system replaced.

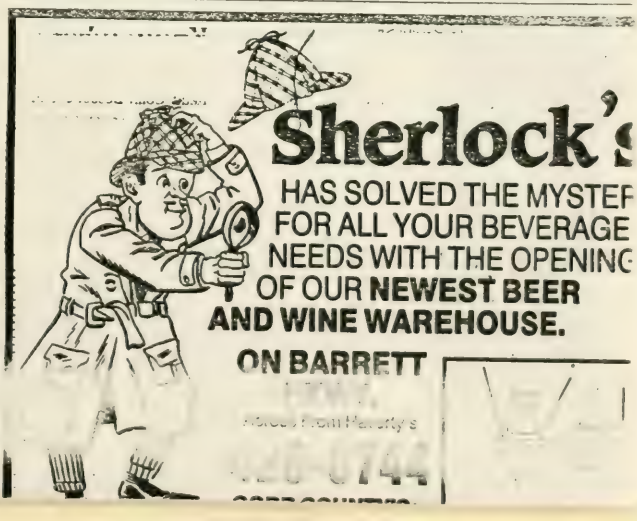
■ King Springs Elementary: $291,400 to renovate the kitchen and restrooms and to replace some carpet, fountains, tile and heating and air conditioning units.

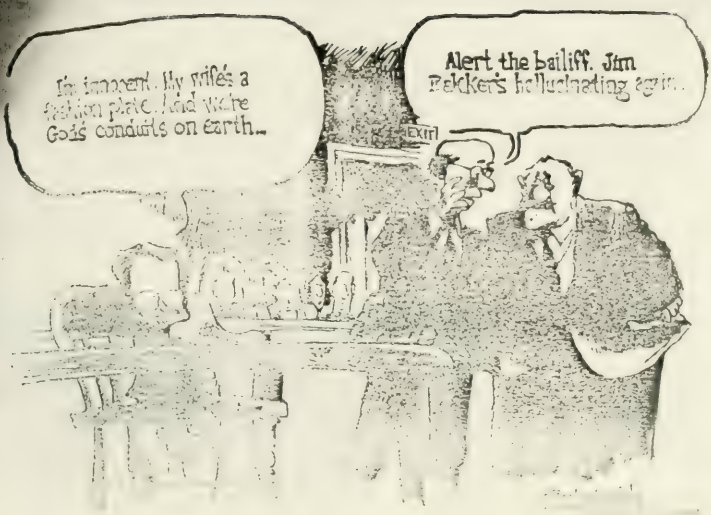
■ Norton Park Elementary: $289,200 to renovate restrooms, replace carpets, lights and heating and air conditioning units and expand parking.

■ Russell Elementary: $285,400 to renovate restrooms and classrooms and to provide new carpeting, ventilation and lighting.

■ Griffin Middle: $3,183,100 to replace the open areas that accommodate each grade level with walled classrooms and to provide heating, air conditioning, carpeting and tile.

■ Tapp Middle: $613,600 to replace ... ...ng, pave and curb the bus loading area, convert open space to classrooms, replace lights and heating and air condi...





Letters to the Editor

Judges Not to Blame for Criminal Justice System Breakdowns

[illegible] that judges, it is one institution, have a deep interest in the welfare of this state and the protection of the law-abiding citizen. Surely that [illegible] what tools help or hinder this process than your editorial writers, or some experts, or even some legislators.

I'm sure we can agree keeping the [illegible] the flow of cocaine are ends to be [illegible] for.

[illegible] the date of the editorial, I was [illegible] by the State Board of Pardons [illegible] of the release in System [illegible] Court [illegible] for habitual [illegible] traffic laws by driving under the influence. On June 1, I sentenced him to five years, three to serve [illegible] probation.

[illegible] was arrested on May 19 [illegible] for selling co[illegible] ill be put in society, one [illegible] supervision and control by [illegible] through probation, the [illegible].

[illegible] have [illegible] to help [illegible] selection, training, experience [illegible] however noble [illegible] in our efforts to better [illegible] judicial justice system.

I mean no criticism of the Pardons and Paroles Board. Its problems with lack of space are well-known. We live [illegible] problem of fractions of sentences served and early release and try to [illegible] with split sentences, giving judges the right to reincarcerate repeat offenders, after an early release.

Finally, a short examination of our "[illegible] bail order. The state's compensation to Superior Court judges comes to $33.13 per hour if one only works 40 hours per week. So for this year my average is just over 54 hours. Contrast this with the hourly rate of [illegible] where attorneys bill their time per hour at a greater rate than I am paid per day, and you know none of us are in it for the money.

Our "turf" now includes a lawsuit filed in the U.S. District Court for the Southern District of Georgia, brought by the American Civil Liberties Union and joined by the U.S. Department of Justice.

The suit alleges violations of the [illegible] Act of 1923 in the election [illegible] in this state, including mine. The action sought is to have us 49 judges tarred, feathered and ridden out of office on a rail. This "turf" seems more like a barren wasteland than the lush Garden of Eden you make it out to be.

I cannot and have not attempted to speak for others. As for me, I don't care about "clout" or "turf." I care about the future of this state.

JUDGE BEN J. MILLER
Superior Court
Griffin Judicial Court
Thomaston



Public Needs Awareness

In response to a letter regarding "When AIDS Comes Home," I must say that I was disappointed although not surprised to read at least one ignorant reply.

The letter writer questions the validity of focusing journalistic attention on the death of a man who apparently he does not deem to be a worthy citizen and who brought his "untimely death upon himself." The writer is also of the opinion that the preaching of personal responsibility and self-control poses [illegible]

Metro&State

SECTION E | THE ATLANTA CONSTITUTION | ★★★ TUESDAY, SEPTEMBER 12, 1989

Corrections Probe Into Love Case Places No Blame

By Adam Gelb
Staff Writer

The state Corrections Department has completed an investigation into the apparent mishandling of a probation case involving Julie Love's accused killer without determining who was responsible for it.

The internal report, which officials refused to make public, did not identify the person who called Emmanuel Fitzgerald Hammond's probation officer in March 1988 and said probation violation charges against him had been dropped.

Hammond, 24, an auto repairman who was living in Marietta, and his cousin, William Maurice Porter, 20, of Union City, have been charged with the kidnapping and murder of Ms. Love, 27.

[illegible] identity of the caller is key [illegible] a dispute between Superior Court Judge Hilton Fuller and DeKalb County District Attorney Robert Wilson over why Hammond was not returned to prison for a probation violation five months before Ms. Love was abducted from her northwest Atlanta street.

The phone call "terminated our involvement [in possible probation revocation proceedings] on the spot," Corrections spokesman John Siler said.

The investigation showed that probation officers handled Hammond's case appropriately from that point on and that Hammond reliably showed up for meetings with the officers between February and August 1988, the period in which he is accused of killing Ms. Love with a shotgun and raping and stabbing another young woman. He also is a suspect in the fatal shooting of a College Park man during the same period.

Having read the full report, I'm satisfied that all applicable department procedures were followed," Corrections Commissioner David Evans said. He declined to comment further.

Mr. Siler said that while investigators found no wrongdoing on the part of corrections or probation personnel, the department is re-emphasizing a policy that probation officers record the sources of their instructions.

Hammond's probation officer did not note who called to say

INVESTIGATORS Continued on E8

Officer Shows Court How He Shot Samples

By Michelle Hiskey
Staff Writer

With his finger on the trigger of an unloaded revolver, Officer John M. Oglesby recreated the six shots he fired at 16-year-old David Samples in federal court Monday, and two experts testified that he acted appropriately and his account of the shooting agreed with the physical evidence in the case.

With the .38-caliber Smith & Wesson in evidence, Officer Oglesby demonstrated with quick staccato clicks how it was possible to fire a half-dozen shots within two seconds, as he said he did the night of Aug. 1, 1984. David, who was intoxicated, allegedly threatened him with a knife and he shot in self-defense.

Whether David owned the knife recovered at the scene has been the focus of the civil trial to determine whether Officer Oglesby used excessive force in the shooting.

Officer Oglesby, nodding to the

OFFICER Continued on E6





RICH MAHAN/Staff

House Speaker Tom Murphy bangs the gavel on the opening day of the special session. With the pension-tax issue on the way to being settled, lawmakers concentrated on bills of local interest.

SPECIAL LEGISLATIVE SESSION

Lawmakers Concentrate On Local Bills, Pay Raises

[illegible] more news from the Legislature [illegible] Chairman Forrest W. Orwell was [illegible] in Atlanta yesterday

The protesters will include representatives of Campaign for a Prosperous Georgia and Georgians Against Nuclear Energy (GANE) and others who have fought construction of the facility since the 70s.

Although most of the interest and energy went into the Unit 1 rate case two years ago, Ms. Sheppard said opposition groups "still believe the commissioners will

tle, named for Alvin W. Vogtle Jr., then the president and later chairman of the Southern Co., Georgia Power's parent company. The original estimate of $660 million rose to $1.1 billion by 1972. Georgia Power suspended construction and canceled two of the four proposed units in 1974 before resuming work in 1977. By 1981, the cost estimate had jumped to $6.6 billion, and it went to $8.4 billion in 1985.

Solicitor Drops Charges Parents Never Wanted

From Page E1

From the start, the baby's parents said, they held no ill feelings toward Ms. Hammett and that the charges should be dropped.

again," Mr. Tolmach said. "We didn't think she needed any additional punishment in this form."

Both Mr. Britt and Mr. Blaney denied Mr. Tolmach's accusation. Mr. Blaney said he pursued the [illegible] because the fundamental le[illegible] nothing, [illegible] had that [illegible] can be [illegible] ing a baby [illegible]

[illegible] in June [illegible] Ms. [illegible] ell lost control of her car while trying to swat a bee and struck the vehicle carrying the 35-week-old fetus and his parents. After an emergency Caesarean section, the baby, Isaac Ferguson Tolmach, was born alive but died 11 hours later.

Mr. Blaney argued that, because the baby was born alive, he was a person and Ms. Hammett could be held responsible for his death. But had the baby died in utero, criminal charges could not have been filed, the prosecutor [illegible]

From the start, the baby's parents said they held no ill feelings toward Ms. Hammett and that the charges should be dropped.

"It was an accident," said Ms. Ferguson, 41, of Atlanta, adding that she wrote a letter to Ms. Hammett last year that expressed her feelings about the crash. "I could have just as easily been her and she could [illegible]

"[illegible] the lawyers [illegible] and we wanted to get the opportunity to make some law here," Mr. Blaney said.

The legal debate surrounding the issue was tortuous. A Gwinnett County State Court judge initially ruled the case could not be tried because the baby was not a person when it was injured, but the Georgia Court of Appeals disagreed in June and permitted Mr. Blaney to prosecute the case. He said the decision marked the first time in Georgia that such a case had been decided.

[illegible] the charges against Ms. [illegible], Mr. Blaney said the time and money spent on the case was not wasted.

"Perhaps it is moot until this happens again," Mr. Blaney said. "If it happened once, it can happen again. I think the state of the law is better now that the issue is resolved."

Investigators Don't Know Who Told Probation Officer of Dropped Charge

From Page E1

Judge Fuller had recalled a warrant charging Hammond with violating probation, and she could not remember when questioned during the investigation. Officials have declined to divulge the probation officer's name.



Probation officers and officials of the DeKalb County Sheriff's Department, which also received a phone call saying Judge Fuller had dropped the charges, said the calls could have come from any number of sources, including the judge's office, the district attorney's office, the county solicitor's office or the police.

Judge Fuller declined to comment on the issue Monday, but he has denied canceling the revocation proceedings, saying he intended only to allow Hammond out of jail until prosecutors called for a formal revocation hearing, which they never did. Prosecutors contend the judge recalled the warrant for Hammond's arrest on probation violation charges, thereby preventing them from seeking a hearing.

"It's impossible for anyone to determine for certain where the phone calls came from," Mr. Wilson said. "But there isn't any confusion about who let [Hammond] out of jail and who let him out of jail without any bond, over our objections."

Atlanta mayoral candidate Maynard Jackson has called for a grand jury investigation of the handling of the case.

Staff writer Anne Cowles contributed to this article.

Rep. Frank C. Pinkston (D-Macon) celebrates after sinking a putt on the sixth green Monday at the Atlanta Athletic Club.

TODAY'S AGENDA

House and Senate convene at 10 a.m.

This is the second day of a special session of the Georgia General Assembly, which is expected to last five days in order to resolve a legal problem over the taxation of federal pension benefits.

House Committees

9 a.m. Ways and Means Committee, Room 133, Capitol
10 a.m. Health Care Facilities Subcommittee of Health and Ecology Committee, Room 506, Legislative Office Building
1 p.m. Motor Vehicles Committee, Room 230, Capitol
1:30 p.m. Local Legislation Subcommittee of State Planning and Community Affairs Committee, Room 605, Legislative Office Building
1:30 p.m. Appropriation Committee, Room 341, Capitol
2 p.m. Judiciary Committee, Room 132, Capitol
2 p.m. Health Professions Subcommittee of Health and Ecology Committee, Room 216, Capitol
2 p.m. Alcohol Assessment Subcommittee of Motor Vehicles Committee, Room 505, Legislative Office Building
2:30 p.m. Transportation Committee, Room 405, Capitol.

Senate Committees

2 p.m. Judiciary Committee, Room 450, Capitol
2 p.m. Urban and County Affairs, Room 328, Legislative Office Building

Other meetings

10:30 a.m. Joint House and Senate Child Protective Services Study Committees, Room 450, Capitol

City Council Prepares to L[illegible]

By Thomma Lee

Staff [illegible]

Even though there are two people being paid a total of $60,000 annually to lobby the Georgia General Assembly on behalf of the city of Atlanta, the City Council is looking for a third to guarantee its views are protected in January.

City Council members H.L. "Buddy" Fowlkes and Carolyn Long Banks won approval for a third legislative liaison last spring when members overall learned that Nehl Horton, the director of legislative affairs for the city, attended a legislative committee meeting to speak in favor of the Georgia 400 extension — a position favored by the mayor but opposed by the council at that time.

Mr. Horton currently reports to the mayor's office on legislative activities for $38,000 annually; William Alexander does the same for $21,000 a year.

The new person will earn $27,000 a year and report exclusively to the council.

During the mayor's last year of office, he and the council have been at odds over the 1989 budget, controversial highway proposals and a law that limits the terms of mayoral appointees.

Sandra Walker, chief of communications for Mayor Andrew Young, said the mayor thought the proposal for a third legislative person was an issue to be addressed by the council itself, so he allowed it to become law without his signature.

"The mayor felt that that was an issue that totally involved the council arena and therefore did not sign the legislation," she said. "He just felt that it was a matter that was totally up to the council."

Ms. Walker would not speculate on the need for the position.

"We won't be here for that next session for the legislation, so that would definitely have to be the decision of the next mayor," she said.

A spot survey of other municipalities shows Atlanta leads the state with the number of lobbyists at the General Assembly.

In DeKalb County, Susan Medlock, the assistant public information officer, said the county pays between $37,000 and $52,000 to the deputy director of intergovernmental relations through the planning department to handle legislative consultation.

David Hirt, the Gwinnett County Commission spokesman, said the county pays more than $42,000 for one person to "function as a liaison between the board of directors and other political officials."

In Ma[illegible] who served as a state senator f[illegible] Middle Georgia for eight years, said

Local Bills T[illegible]

From Page E1

sonable hardships or to avoid und[illegible] the functions of local politica[illegible] sub-

Sen. Nathan Dea[illegible] D-Gaines[illegible] two pay-raise bills, said legislator[illegible] care of the pay raises during the [illegible] but the increases got bogged down [illegible] the House.

Asked if such legislation wou[illegible] "undue hardship," Mr. Deal repli[illegible] routine business is another man's e[illegible]

On the Senate floor, Sen. Culver[illegible] geville) questioned whether pay incr[illegible] the governor's call.

But Sen. Earl Echols Jr. (D-Pat[illegible] the Pierce County pay-raise bill, l[illegible] fense.

"Since we weren't going to be [illegible] this week — almost nothing — I thou[illegible] legislation ought to be introduced [illegible] ing up here," Mr. Echols said.

Mr. Harris's press secretary, [illegible] said that, although she hadn't spok[illegible] nor personally about it, the pay b[illegible] within his call.

"It says for local legislation wh[illegible] ture deems necessary. 'Deem[illegible] word," Ms. Morg[illegible] said.

"The purpose of the session wa[illegible] income tax issue. As protocol and a

Atlanta Briefs

ar...Used Near Chicago

...ied a missing Navy recruit from ... the past three days in suburba... ...ard Tuesday, indicating that the ...ek ward his hometown. ... disappeared Aug. 29, was born south ... family moved from Chicago to Geor... ...she ...ie recruit's mother.

...n Admits Killing Wife

...ency to die for the slaying of his ex... ...ars later the 11th U.S. Circuit Cou... ...rmed his conviction, a Carrollto... ...Tuesday to her murder ... ...ix, 50, was sentenced last ... ...by ...

...ay Zoning for Quarry

...ection several east DeKalb neig... ...hoods, the DeKalb Counsel... ...ommission Tuesday urged neigh... ...ing Rockdale County to deny a ...pposed rezoning to allow a grav... ...quarry on the county line. ... "This rezoning in an adjoining ... ...ld have a very significan... ...ec... the people living in co... ...unty," Commissioner ... ...said. "W... ...or sewer ... ...it we do have roads." The Rockdale County Comm... ...on will hold a public hearing ...pt. 28 on the proposed rezoning ... 325 acres on the north side of ...ast Fairview Road north to ...outh River Road on the DeKa... Rockdale boundary. Florida ...ock Industries Inc. is seeking to ...ave the property rezoned from ...ricultural/residential to agricu... ...ral/mining. The Rockdale Plan... ...a recommendation on the issue ...ission is expected to vote on ...

...outheast Atlanta

...mped in a car early Tuesday at a ... ...heel of the car shortly after mid... ...e Road, homicide Sgt. H.L. Bolton ...n his mid-20s, apparently died of ...

...s Case Against Swindall

...esday was appointed by the Geor... ...a Bar of Georgia's disciplinary case ...ainst, the former 4th District con... ...convicted of lying to a grand jury ...dr. Butler must hold a hearing to ...a recommendation of action to the ...thin 30 days of the hearing. ...dall could be disbarred because of ...nion, he has said he will ask for ...s license until his appeals are ...

...felony or a misdemeanor ... of moral turpitude is subject to ...cipline procedure. Under that pro... ...suspended or revoked in about two ...

...led by Car's Occupants

...

Hammond, Porter Indicted in Love Slaying

Rape Charge Added Against Younger Cousin

By Adam Gelb
Staff Writer

A Fulton County grand jury Tuesday indicted the two men arrested in the slaying of Julie Love and charged for the first time that one of the suspects raped her.

Emmanuel Fitzgerald Hammond, 24, of Marietta, and William Maurice Porter, 20, of Union City, were indicted on one count each of murder, felony murder, kidnapping and armed robbery, Fulton District Attorney Lewis R. Slaton said. Mr. Porter also was indicted on one count of rape.

...present when Mr. Porter ... 27-year-old preschool exercise instructor behind Grove Park Elementary School on July 11, 1988, but he was not charged with rape until Tuesday.

"The case is moving along steadily about like a usual case to this point," Mr. Slaton said. Because of a gag order issued by Fulton Superior Court Judge Isaac Jenrette, he declined to elaborate.

Until Tuesday's indictment, Hammond and Mr. Porter each had been charged with murder and kidnapping.

While medical authorities said Ms. Love's body was too decomposed to provide any physical evidence of rape, police said Mr. Porter has made statements to investigators that support Ms. Weldon's account.

Officers declined to say whether either suspect has made a confession but said Mr. Porter ... plied he has direct knowledge of ...

...matics were found ... gal dumping ground off Grove Park Place in northwest Atlanta.

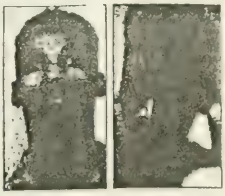
The charges in the indictment seem to corroborate Ms. Weldon's account, given to Fulton County police in late July after the go-go dancer and Hammond got in a fight.

The murder charge alleges both men killed Ms. Love with a shotgun. Police apparently have not recovered the gun, but officers said they found evidence near the body that proves a shotgun was the murder weapon.

Ms. Weldon told detectives that Hammond beat Ms. Love with a sawed-off shotgun after forcing her into his car the night of July 11, 1988, when she was walking near the intersection of Dover and Howell Mill roads after her car ran out of gas.

The informant, who said she was taken home before the shooting, said Hammond told her the ...

...Hammond and Mr. Porter ... cousins stole Ms. Love's purse and its contents "by intimidation and by use of a shotgun." According to Ms. Weldon's statement, Hammond held ...



Hammond Porter

Ms. Love at gunpoint near the Grove Park school — a block from his grandparents' house — while she and Mr. Porter tried to use Ms. ... teller machines near West End Mall.

...leging ... stalled ... kidnapping.

Staff writer Duane Riner contributed to this article.

Dad Denies Allegations Of Abuse

Fugitive Mom Claims Kids Accused Hundreds

By Gary Abramson
Staff Writer

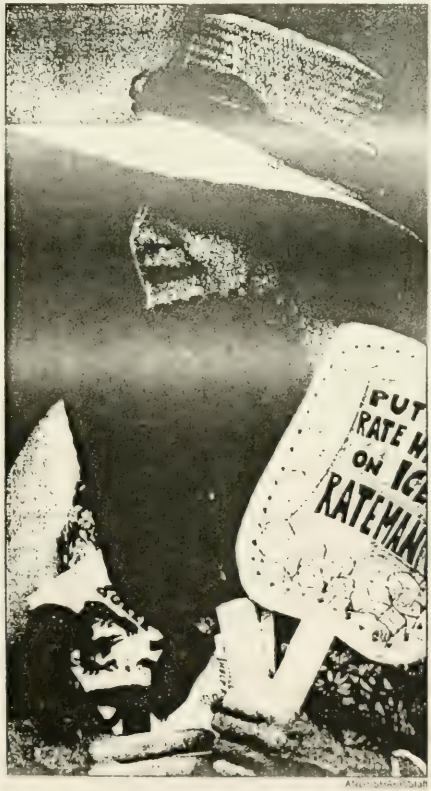
A Gray, Ga., woman being held in South Carolina on charges relating to a custody dispute took her children into hiding after telling authorities her children and nephew had accused her husband and hundreds of other people of sexual abuse — accusations that her husband denied Tuesday.

Derrell Washburn made his first public statements about the complicated case through his brother Dale, who said Dona Washburn reported accusations of abuse against a long list of people, including her husband, members of the family's church and local officials.

Dale Washburn said authorities showed him and his brother a "book" of written accusations, which contained "maps of the subdivision we live in, lists of people such as a Bibb County state judge, ... a major in the Macon police department, a GBI officer" and pastors of several Baptist churches in Macon.

"Dona has put us through an indescribable amount of pain, but we have deep compassion for her. We think she is deeply disturbed," Mr. Washburn said.

The Associated Press reported that an investigation by the GBI and the Macon Police Department "did not corroborate" the allegations, though independent medical examinations disclosed that two of the ...



Atlanta Journal/Constitution

Emily Calhoun of Campaign for a Prosperous Georgia was ...

Timing of Radio Calls Is Disputed

Events Before Shooting Questioned by Defense

By Michelle Hiskey
Staff Writer

The defense of Atlanta police Officer John M. Oglesby rested Tuesday, after testimony about the disputed timing of radio dispatches the morning of Aug. 1, 1984, when the officer fatally shot 16-year-old David Samples.

U.S. District Judge Orinda ... Evans postponed the trial of the civil case brought by David's parents until Monday because she will be out of town. Rebuttal evidence and closing arguments are expected early next week.

The judge directed defense attorneys to take the deposition of Tommy R. Monday by the end of the week. Monday claims ownership of the knife in evidence, which Officer Oglesby testified was the one David brandished at him before he shot him in self defense.

Monday testified last week, outside the jury's presence, that Atlanta police confiscated the knife when they arrested him for forgery charges in 1976, eight years before the shooting, and showed where his name is etched on the knife. Judge Evans said she was leaning toward allowing Monday to testify as a rebuttal witness, after forestalling his direct testimony last week because the defense would not have enough time to prepare cross-examination of the surprise witness.

A recording of police dispatches the morning of the shooting was played Tuesday for the jury, which ...

See ...

Judge Revokes Probation for 1 Love Suspect

By Adam Gelb
Staff Writer

A Fulton County judge revoked probation for one of Julie Love's accused killers Monday and ordered him sent to prison for more than three years on previous sentences.

Superior Court Judge Ralph H. Hicks ordered Emmanuel Fitzgerald Hammond, 24, returned to prison to serve the remainder of two concurrent five-year sentences he received in October 1988 on weapons charges.

According to state Corrections Department calculations, Hammond, who was released on probation in January after serving four months, has three years, three months and six days [illegible]





[illegible] which prompted Ms. Weldon on July 25 to make a six-page statement to Fulton police detailing how Hammond and William Maurice Porter, 20, allegedly abducted, raped and killed Ms. Love the year before.

Hammond was arrested in Hapeville in February 1988, five months before Ms. Love's disappearance, for driving 95 mph on Interstate 85, carrying a pistol as a convicted felon and having a pistol with its serial number filed off.

DeKalb County prosecutors, Superior Court Judge Hilton Fuller and probation officials could have demanded a probation revocation hearing for Hammond then but did not. The judge and [illegible] District Attorney Robert Wilson disagree about [illegible]

Hammond, who had been released from jail on bond in March 1988, pleaded guilty to the [illegible] to his no-bail [illegible] probation hearing was postponed until Monday [illegible] for arraignment, which was postponed because he didn't have an attorney.

weapons charges in October and received two concurrent five-year sentences, with four years on probation.

One of Hammond's probation officers, Jerry McCurdy, testified Monday that Hammond was a good probationer and reported faithfully every month from his release in January until August.

On July 23, however, Ms. Weldon alleges that Hammond went to her home in College Park, and when she refused to let him and a friend smoke crack in her bedroom, Hammond beat her about the face and threatened to kill her. [illegible] fast for Hammond's arrest on aggravated assault charges and the next day met with Fulton detectives to make her statement.

Hammond was arrested on those charges Aug. 2. He was in the Fulton jail when he was charged in the Love case three weeks later. He has not been convicted in either case.

In court Monday, Hammond denied he assaulted Ms. Weldon. But Judge Hicks rejected a defense attorney's request that only two years of the probation be revoked.

Hammond and Mr. Porter have yet to retain attorneys to defend them [illegible] in the Love case. Mr. Porter also is charged with rape.

Guard t In War

Troops to Hel

By Gary Abra
Staff Writer

Georgia's Nation[al] expecting to increas[e] the war in drugs this with a new mission t[o] narcotics hidden in [c]ports of Brunswick nah, Guard officials day.

The Georgia Gu[ard] to receive about $2 [million] last year's allocat[ion] drugs in support o[f] [illegible] federal law. The Gu[ard] make arrests or t[ake] raids, but Guard u[nits] vide equipment and [personnel] assist law enforceme[nt].

Much of the new [money] earmarked for the [Guard] requested by the U[.S.] Service to augment [its] container shipment [detection] funding will also add [to] work with the Georgi[a] Investigation and th[e] trol, Colonel Nesbitt [said].

Colonel Nesbi[tt] [illegible] which units would [be]

City Council Orders Rehab Files Made Public

Panel Also Is Approved In Investigate Program

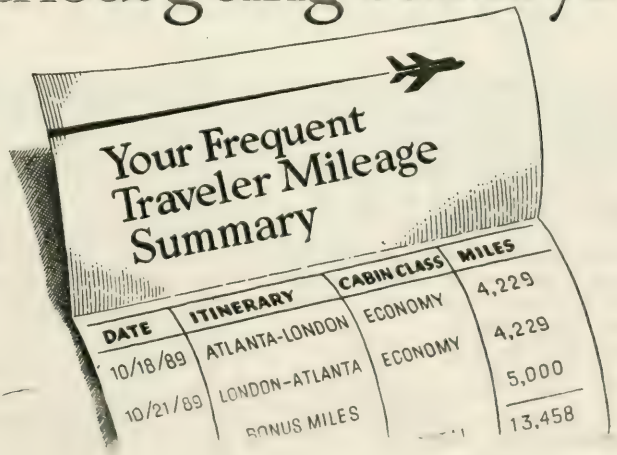
By Mark Sherman
Staff Writer

The Atlanta City Council moved Monday to shed more light on an unfolding scandal in a home rehabilitation program for low-income homeowners.

By a unanimous vote, the council directed City Attorney Marva J. Brooks to make public reports of 1986 city investigations of inspectors and supervisors that led to the firing of two inspectors, but allowed a third inspector to remain in his job. That man, Robert Davie, is the subject of an ongoing city inquiry into his alleged financial relationship with contractors whose work he supervised.

The council also approved the creation of a committee to investigate the program, which officials ended last year amid complaints of [illegible]

Add 5,000 miles to your r
without going out of you





FLOYD JILLSON/Staff

Cub Scouts

Patrons of Zoo Atlanta check out Bubby, a rare white Bengal tiger cub that arrived Wednesday on a two-week loan from the zoo in Columbus, Ohio. The 40-pound cub's visit celebrates the groundbreaking for the Sumatran tiger exhibit, set to open next summer.

Girl, 5, Bitten by Dog (200 Stitches in Face, N

By Susan Laccetti
Staff Writer

A 5-year-old Covington girl was listed in fair condition Thursday at Newton General Hospital with an estimated 200 stitches in her face and neck, the result of an attack by a mixed-breed dog.

Alisha Rena Wilson was attacked Wednesday night as she played with other children at the

was badly mangled, according to her father, Steve Wilson.

"The dog was on a leash, and evidently she was fooling around with the dog and the dog bit her in the facial area," Covington police Capt. Willie Davis said.

Captain Davis said Mr. Ashby's mixed Labrador and German shepherd had been vaccinated for rabies before the attack.

Alisha's parents expressed concern over how police handled the incident. Hospital a called police Wednesda after her surgery and ot ment, according to Mr. W

"My wife heard screa ran out there, and the d top of my little girl. T came out and pulled th her," Mr. Wilson said. "I dog would have killed man wouldn't have a of her."

A new state law ers to register potential ous dogs and enclose them on their proper owner willfully fails to c could be charged with a the dog attacks someone

But police said th complied with the state's ous-dog law because the was confined on its owne erty and its leash did n beyond the property line

State Seeks Death Penalty in Julie Love Slaying

By Adam Gelb
Staff Writer

Fulton County prosecutors said Thursday they will seek the death penalty against the two men charged in the abduction, rape and shotgun slaying of Julie Love.

Emmanuel Fitzgerald Hammond, 24, grinned and stared at relatives and television cameras as he was arraigned before Superior Court Judge Ralph H. Hicks on charges of murder, felony murder, kidnapping and armed robbery. He pleaded innocent to each count.

Hammond's attorney, Doraville lawyer William A. Wetmore, said he plans to file a motion to

to observe an imported game.

"I think we would have to move it south of Macon because of all the publicity that's gone on," Mr. Wehunt said.

Prosecutors have not won a death penalty conviction from a Fulton jury since 1984. On Wednesday, the district attorney's office said it would seek the death penalty against Terrance Ellis, 23, who is accused in the beating death of Rebecca Sims, 67, a prominent horticulturist, and the assault and robbery of her 81-year-old husband, Ben.

Ms. Love's disappearance July 11, 1988, touched off a massive search, led by her boyfriend, Gordon Homemade Ice Cream shop chain. A rally in Piedmont Park attracted hundreds, including local politicians, and thousands of fliers asking "Have You Seen Julie Love?" were posted throughout the city.

Lawyers for Hammond's alleged accomplice, William Maurice Porter, 20, were granted a two-week delay in Mr. Porter's arraignment. Atlanta Public Defender Harry S. Gardner declined to comment on the case. Mr. Porter is charged with the same offenses as Hammond and also is accused of raping the 27-year-old preschool fitness teacher.

Charged With 77 Counts of Animal C

From Page C1

lice he obtained the animals by answering newspaper advertisements offering free kittens.

Using a false name and address, Mr. Munoz on Oct. 9 left a roll of film to be developed at the Drug Emporium store on North Druid Hills Road, said Public Safety spokesman Chuck Johnson.

While developing the photographs, an employee of Qualex, the Doraville firm that handles film processing for the store, noticed the pictures included shots of cats being tortured.

He sent copies of the DeKalb's animal control

After identifying Mr who appeared in some u pictures on the roll, searched his Hampton Ha ment Thursday. Durin search, Detective Mosley ficers found "evidence to that it had been going long time." Among the covered were a detail every cat killed since and a nylon rope, hang the shower rod, that was the photos, he said.

OPEN
3-DAY FURNITURE SALE
TO THE
PUBLIC
BRAND NEW IN ORIGINAL SEALED FACTORY CONTAINERS. SURPLUS FROM RECENT DISPLA AT HOLIDAY INNS, HOWARD JOHNSONS, RAMADA INNS, AND SHERATON INNS.
CONDUCTED BY MOTEL/MOTEL FURNITURE DISTRIBUTORS
FREE LAYAWAY
BRAND NEW
SOFA CHAIR LOVESEAT
$248
8-SEAT SECTIONAL
$298
Luxurious Fabrics
BRAND NEW

Julie Love Suspect Pleads Guilty

Expected to Testify Against Co-Defendant

One of two men accused in the shotgun slaying of Julie Love pleaded guilty in Fulton County Superior Court Monday and is expected to testify against a co-defendant at trial.

William Maurice Porter, 20, of Union City, entered guilty pleas to the charges of felony murder, rape, kidnapping and [illegible] he could face [illegible] Prosecutors had intended to seek the death penalty against Porter in the highly publicized Love case but abandoned it apparently in return for his cooperation in the case against Emmanuel Fitzgerald Hammond, 24, of Marietta.

Hammond, who police believe was the triggerman, has pleaded not guilty, and his attorney, arguing that pretrial publicity has tainted potential jurors, is trying to move the trial from Fulton County [illegible] said [illegible] shoes and an earring, hung his head throughout the proceeding. He testified that he completed the eighth grade in school and could read and write.

Porter's mother wept silently in the hall outside the courtroom after the pleas were accepted.

Authorities believe Hammond shot Ms. Love, 27, a preschool fitness teacher, after he and Porter abducted her near the intersection of Howell Mill and Dover roads the night of July 11, 1989.



William Maurice Porter

Slain Wo In Her W Called Ti

By Donna Williams Lewi And Adam Gelb
Staff Writers

Connie Vance Krause w buried — as was her wish her formal wedding dress.

Friends of Mrs. Krause de body was found Satu trunk of her car at th

[illegible] to be without her," [illegible] family friend [illegible] Their marriage was the [illegible] portant thing to both of th

Police speculated [illegible] hat Mrs. Krause, public r manager for Arthur Ande Co., was killed by someo knew. Mrs. Krause, missin, she left her home near Cla for work Nov. 1, was str police said.

Detectives said her .38 handgun was found, al plain view, in its holster [illegible] of her [illegible] [illegible] [illegible]

Than House's

■ *House and Senate agree to kill catastrophic coverage. Page A21.*

By Scott Shepard
Journal-Constitution Washington Bureau

WASHINGTON — The Senate, yielding to political fears, refused Friday night to follow the House in approving a 35 percent pay raise for Congress.

Instead, the Senate voted 56-43 to give itself a 9.9 percent cost-of-living increase while phasing out lucrative speech fees rather than banning them outright as the House proposed.

The Senate left in place raises of more than 35 percent for the House, federal judges and top government executives.

The bill was sent back to the House, which approved it by voice vote early today and shipped it to President Bush for his expected signature.

Senate Majority Leader George J. Mitchell of Maine and Minority Leader Robert J. Dole of Kansas introduced the scaled-back proposal after a last-minute head count showed the House version lacked sufficient support in the Senate.

[illegible] plan.

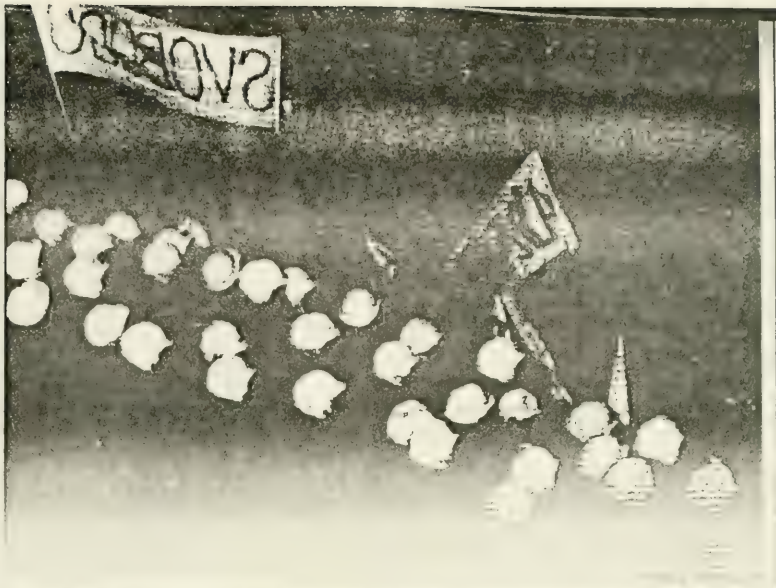
Georgia's Democratic Sens. Sam Nunn and Wyche Fowler split their votes, with Mr. Nunn voting against the pay raise and Mr. Fowler voting for it.

The surprise development angered some senators who ran political risks by supporting the pay raise, which the House passed Thursday.

Sen. Alan K. Simpson of Wyoming, Republican whip, complained of "the hypocrisy" of senators who piously vote against [illegible] from special interests.

He vowed to strike back at them with a proposal to ban all honoraria. "They've left a lot of people holding the big sack," Mr. Simpson said.

SENATE Continued on **A20**



Police in Prague, Czechoslovakia, block hundreds of pro-democracy demonstrators from marching Friday.

Hundreds Arrested in Worst Violence Since 1968

By Andrew Alexander
Journal-Constitution Correspondent

■ *Staff photographer, reporter beaten by riot police. Page A17.*

PRAGUE, Czechoslovakia — Riot police beat and arrested hundreds of protesters here Friday night at the conclusion of the largest pro-reform demonstration since Soviet troops crushed the pro-democracy "Prague Spring" [illegible] ago.

Club-wielding police attacked individual demonstrators as they sat in defiance on a main street in downtown Prague.

Busloads of arrested protesters were seen being driven away from the city's center, which was sealed off by hundreds of police backed up by equal numbers of army troops.

It was one of the worst instances of violence in Eastern Europe since a [illegible] are reshaping governments at a dizzying pace.

When the violence began, bystanders and members of the news media were herded away by authorities.

Screams could be heard from the demonstrators. Some who escaped scurried away from the scene with bloodied heads. A steady stream of ambulances, their sirens blaring, continued to and from the scene late into the cold evening.

Several members of the news media, including an Atlanta Journal-Constitution reporter Andrew Alexander [illegible] watched an arrest.

Although the journalists displayed their government-issued press accreditation cards, the police yanked a

PRAGUE Continued on **A16**

TODAY
[illegible]sky F1
Wins
500 Pole F1
d Cool
y: high in the
ails, Page D16.
SECTION C
TATE SECTION D
ORLD SECT A,B
SECTION F
68 PAGES, 9 SECTIONS
MOROSCOPE D13
JUMBLE WK
MOVIES WK
OBITS D4
RELIGION D9
TV 12,13
TUCKER A23
WILLIAMS A23
E, CALL 522-4141

New Evidence Leads To Woman's Release

By Anne Cowles
Staff Writer

A woman serving two life sentences plus 20 years for kidnapping and assault was released from prison Friday after authorities uncovered new evidence that implicated one of Julie Love's accused killers in the case.

Michelle Iona Jackson, who was jailed for 18 months, was freed soon after being transported from the Women's Correctional Institute in Milledgeville to the DeKalb County Jail.

"I'm just excited; glad to be home for the Christmas holidays," said the 23-year-old former DeKalb County woman as she waited for her mother to pick her up. "I'm just thankful that maybe justice is taking its place right now."

DeKalb County District Attorney Bob Wilson announced earlier Friday that Miss Jackson, who was arrested May 6, 1988, would be released on a $100,000 signature bond. He said the state's motion for a new trial for Miss Jackson had been granted.

But Miss Jackson is not likely to face a retrial,

LOVE Continued on **A26**



JONATHAN NEWTON/Staff

Michelle Jackson, with DeKalb Jail Officer Shirley Brown, waits for freedom Friday.

East Germans Eagerly Exit To Shop Again

Two Million Expected In West German Binge

By Joseph Albright
Journal-Constitution Washington Bureau

WEST BERLIN — Police expect more than 2 million East Germans to pour through the Berlin Wall this weekend, threatening to unleash a rush of consumer spending that could undermine the fragile East German currency.

As the weekend began after work Friday, at least one West Berlin grocery was forced to shut its doors because it had sold all its food. And a department store used its public-address system to urge West Berliners to take jobs behind the counters over the weekend.

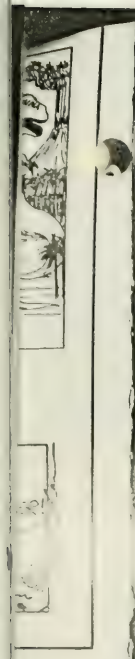
Traffic began backing up at checkpoints throughout East Germany despite televised appeals for East Germans to leave their noisy, polluting two-cylinder cars at home. East Berlin subways and trains added extra cars, and tran-

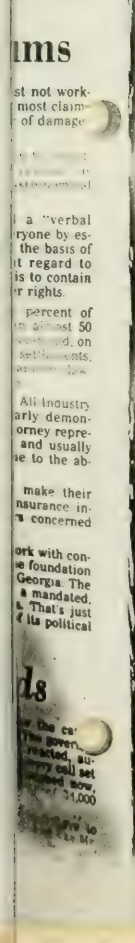
[illegible] a Hot Line to Respond to Medicare Complaints

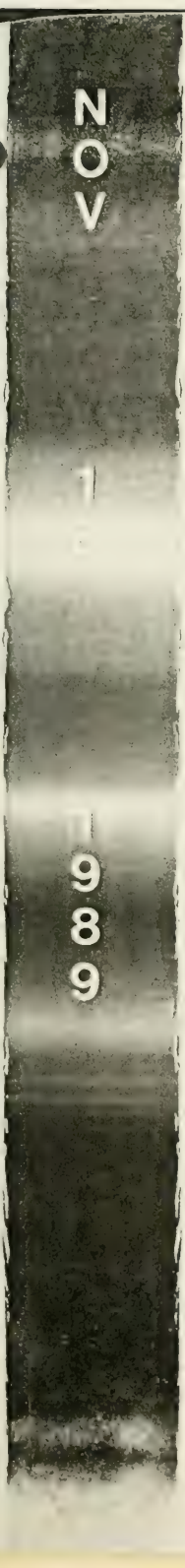
Staff Writer

[illegible] Insurance Co. said Friday it

NOV 1 1989







From Page A1

Mr. Wilson said.

"I think I can tell you in absolute candor that we have reason to believe, and lean strongly in the direction, that Miss Jackson is, in fact, innocent," Mr. Wilson said at a news conference. "All the facts and circumstances just simply will not allow us to form an absolute conclusion."

DeKalb authorities have charged Emmanuel Fitzgerald Hammond, one of two men charged in the slaying of Ms. Love, a northwest Atlanta preschool fitness teacher, with the crimes originally attributed to Miss Jackson.

Hammond was charged with kidnapping with bodily injury, armed robbery and motor vehicle theft in the May 5, 1988, assault of a DeKalb County woman. The victim, officials said, has identified Hammond in a photo lineup. The woman was apparently raped and sodomized in Fulton County, and officials there are considering filing additional charges, Fulton prosecutors said.

Mr. Wilson said Janice Weldon, Hammond's ex-girlfriend, also is considered a suspect in [illegible]

The DeKalb woman was left for dead in the same dumping ground off Grove Park Place where Ms. Love's body was found 13 months after she disappeared.

The discovery of Ms. Love's body there raised the first red flag for DeKalb prosecutors in Miss Jackson's case, Mr. Wilson said.

Mr. Wilson said he viewed a videotaped GBI interview with Ms. Weldon "and the specificity with which she described" the DeKalb crime "concerned us [illegible]

Ms. Weldon told [illegible] July, after Hammond allegedly beat her in a domestic squabble, and provided them with a lurid description of Ms. Love's death as well as details of the DeKalb abduction.

Hammond, 24, of Marietta, has pleaded not guilty in Ms. Love's slaying. However, co-defendant William Maurice Porter, 20, of Union City, pleaded guilty to felony murder, rape, kidnapping and armed robbery and is expected to testify against Hammond.

Miss Jackson agreed to a polygraph test Wednesday, which she passed "with flying colors," Mr. Wilson said.

A DeKalb County man originally charged in the attack along with Miss Jackson was released after DNA tests revealed he could not have been the assailant, police said. He was never tried.

Miss Jackson became a suspect in the DeKalb County case when the victim's boyfriend told authorities Miss Jackson tried to extort money from him because he had a liaison with a prostitute who was an acquaintance of Miss Jackson, according to testimony at her trial.

The man testified that he refused to pay. The extortion attempt occurred about five days before his girlfriend was abducted, according to testimony.

Miss Jackson was later identified in a photo lineup by both the DeKalb victim and a woman who saw a black female in a parking [illegible] apartment in DeKalb's Morningside community.

WAREH

SAL

SAT., NOV. 18TH

Today o

Save 20%-50% and m

electronics, applianc

- SALE [illegible] traditional pieces. Orig. $1795
- SALE $499 CONTEMPORARY SOFA Loose pillow back in tan and white awning stripe cover. Orig. $775
- SALE $79-$299 ACCENT CHAIRS Many styles to choose from: carved Louis XV, Parson, Bergere, Martha Washington, more
- SAVE 30%-50% HENREDON, CENTURY, SHERRILL, LEE, MORE One of a kind and discontinued styles of upholstered furniture
- SALE $149-$499 OCCASIONAL TABLES A variety of styles and sizes for traditional homes in cherry or mahogany. Orig. $249-$699
- SALE $79-$269 ACCENT FURNITURE FOR ANY DECOR. Choose from a variety of shapes, sizes and finishes. Orig. $149-$499
- SALE $49-$179 LAMPS, PICTURES AND MIRRORS Several styles and sizes [illegible] samples from this famous maker.
- SAVE 35%-50% HENREDON FLOOR SAMPLES All from well known groups and in as is condition
- SAVE 50% BEDROOM FURNITURE Lacquer and paint discontinued floor samples
- SAVE 50% OVAL DINING TABLES Some with leaves, all from famous makers like Cresent, Bernhardt, Universal
- SALE $99 LADDER BACK DINING CHAIRS. A great buy and shop early only 16. Orig. $199
- SAVE 30%-50% DRESSSERS, CHESTS, MIRRORS, NIGHT STANDS From Henredon, White, Thomasville and more
- SALE $99-$399 BRASS HEADBOARDS Discontinued styles and floor samples. Orig. $275-$999
- SALE $599-$799 FAMOUS MAKE SLEEP SOFAS In queen sizes from Jamison, Stearns & Foster, Simmons. Orig. $699-$999
- SALE $299-$699 FAMOUS MAKE RECLINERS Swivel rockers, wall savers from Barcalounger and Action/Lane. Orig. $499-$799
- SAVE 25%-75% DISCONTINUED AND ONE-OF-A-KIND SUMMER AND CASUAL FURNITURE Plus accent pieces from Arlington, Meadow Craft, Ayers, Venture, more.
- SAVE 50% BRAIDED OVAL RUGS Limited quantities from Capel America's foremost maker.
- SALE $79-$199 BEDROOM TO LARGE ROOM CARPET. 12'9"x9' to 13'x18' in many styles and colors. Orig. $180-$380
- SAVE 50% AND MORE LARGEST ROOM SIZE CARPETS A variety of sizes up to 12'x24'. Shop early. Limited quantities

OPEN 8-4 TODAY ONLY

BECAUSE OF THE SPECIAL NATURE OF THIS EVENT, ALL SALES ARE FINAL. Discontinued styles, floor samples, one-of-a-kind merchandise, all items sold as is, subject to prior sale. Intermediate markdowns may have been taken. Sorry, no mail or phone orders, no holds or lay aways. There is a $25 charge on your total purchase delivered. All rug sizes are approximate. TV screens measured diagonally, simulated reception. All TV's, VCR's and big Screens sold without remote controls. Remote controls are available as an option for $25 extra.

When they played their first exhibition game ever, back in '09 or whenever it was, the Atlanta kicker opened Atlanta's pro football history by whiffing the kickoff.

From Bad to Worse

This is a team that once had a back who gained more than 1,000 yards. He achieved that milestone in the final minutes of the final game of the season. The Falcons called time and awarded him the game ball. On the next play, he was thrown for a loss and there went his 1,000-yard season. I still don't know if he had to give the ball back.

I listened to Atlanta sports radio talk show participants. Some of these people, believe it or not, think there is a solution to the Falcons' ineptness.

"What we need is a new coach," they say.

Who would take such a job? Want to be the new captain of the Titanic? The last time the Falcons were looking for a new head coach, they offered the job to everybody from Dick Vermeil, who coached too long and became a basket case, to George Halas, who was dead and [illegible]

said at drive time the other morning.

"For years, I've wished Atlanta could have a team like the Cowboys. Now, we do."

The Cowboys, if you don't follow pro football, are headquartered in Dallas and, after years of success, have sunk into the abyss with Atlanta.

If the Falcons were a car, they would be a green Pinto with a busted muffler. Falcon fans don't say, "Wait till next year." They say, "Next year? You mean we [illegible] again?"

And it's too bad Atlanta has such a lousy football team. It's such a nice city otherwise, regardless of what Pepsi employees think of it.

Atlanta has parks, lovely homes, beautiful women and the Varsity drive-in, which serves the best chili dogs on earth.

It Can't Happen Here

So, you ask me, "What can be done to bring a winning pro football team to Atlanta?"

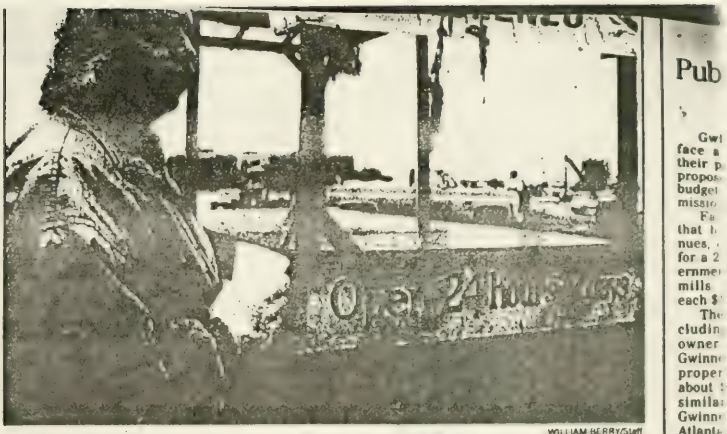
Nothing. It can't happen. I used to think it would help if the team's owner, Rankin Smith, sold it to somebody who gave a damn.

But that wouldn't help either. Imagine what sort of goofball it would take to spend millions to buy this turkey.

The only possible thing I think could be done to help the Falcons is they could drop out of the NFL and join the Atlantic Coast Conference. They probably don't pay as well as Clemson, but I figure they occasionally could beat Wake Forest.

There is one piece of good news, however. The Falcons soon will move out of Atlanta-Fulton County Stadium, the worst football arena in the world, to the Georgia Dome, which will have a roof on it.

When that happens, at least the stench the Falcons raise when they play will remain inside.



WILLIAM BERRY/Staff

Wesley Asinof, a striking Eastern machinist, helps colleagues dismantle their tent city headquarters at Hartsfield International Airport. They will move to 1302 Sullivan Road, south of the airport. Also Tuesday, pilots reopened contract talks. See article, Page C1.

Will Join Iran-Contra Prosecution in Washington

By Michelle Hiskey
Staff Writer

Assistant U.S. Attorney Craig A. Gillen, whose high-profile prosecutions included that of former U.S. Rep. Pat Swindall, will leave Atlanta to work for Lawrence E. Walsh, the special prosecutor investigating the Iran-contra scandal.

The new post "is an opportunity that I could not pass up" [illegible] agreed to will leave "with strong positive feelings ... and regrets" after 11 years with the U.S. attorney's office in Atlanta, in which he built a reputation as an aggressive prosecutor who revels in complex cases.

Mr. Gillen said he will leave Dec. 30 to join a team of 15 lawyers working with Mr. Walsh, who was appointed three years ago to investigate arms sales to Iran and the transfer of profits to the Nicaraguan contras. Of six prosecutions by Mr. Walsh's office, five defendants have pleaded guilty, and one — former Marine Lt. Col. Oliver L. North — was convicted.

Mr. Gillen declined to talk [illegible] spokeswoman for Mr. Walsh, would say only that he "will have an important role in ongoing investigations.

"We've always sought experienced trial attorneys," Ms. Belcher said. "We recruited Craig, and we're fortunate to have him agree to join us."

Said Mr. Gillen: "I met with [Mr. Walsh] and was impressed with him personally and with the public service challenge to which he responded." He said he intends to return to Atlanta after the Iran-contra investigation is over.

Mr. Gillen's boss, U.S. Attorney Robert L. Barr Jr., said he was unsure who would replace Mr. [illegible] States are losing one of their finest advocates anywhere in the country. ... Craig brings to bear almost a craving to take on the difficult case and make it work."

ASSISTANT Continued on **B6**

Police Say Love Suspect Plotted to Kill Girlfriend

By Duane Riner
Staff Writer

The man accused of murdering Julie Love offered a cellmate $20,000 to kill the former girlfriend who told police she saw him abduct the woman, an Atlanta homicide detective testified Tuesday.

Detective James W. Peal said the inmate, Phillip Williams, told him that Emmanuel Fitzgerald Hammond, who faces the death penalty if convicted, wanted Janice Weldon killed because she "knew too much."

Williams, jailed on a probation violation and drug charges, was placed in a cell with Hammond after Ms. Weldon went to police with her story.

Hammond, 24, was charged last Aug. 24 with the murder of Miss Love, a 27-year-old exercise teacher who disappeared in July 1988. At the time he was charged, he was being held in the Fulton County Jail on a charge of aggravated assault against Ms. Weldon, his girlfriend of two years.

Saying she feared for her life, Ms. Weldon went to police with information about the Love slaying a day after Hammond was jailed on the assault charge.

Besides offering the cellmate $20,000 to kill Ms. Weldon, a 33-year-old former strip club dancer, Hammond, a Marietta mechanic, promised Williams "a vehicle and a job," Detective Peal testified.

The detective's testimony came at a hearing on pretrial defense motions in the Love case.

The defense is trying to stop the prosecution from using genetic test results of Hammond's blood and hair taken in connection with a DeKalb County case in which a woman was abducted,

JUDGE Continued on **B6**



Emmanuel Hammond allegedly said his girlfriend 'knew too much' about the Love case.

NOV 29 1989

drug kingpin Harold Rosenthal in what then was the largest cocaine smuggling case in U.S. history, and successfully prosecuted Henry County Sheriff Jimmy Glass for extortion and corruption in the first Hobbs Act case brought in Georgia. The Hobbs Act, which has become a weapon in public corruption cases, prohibits a public official from using his office for personal gain.

In 1983 Mr. Gillen was named lead attorney of the Southeastern Drug Task Force, a multijurisdictional group that investigates and prosecutes drug trafficking and money laundering. He headed the investigation that led to charges against Swindall as well as businessman Charles LeChasney, 5th District Republican Party Vice Chairwoman Tonia Lansing and several stockbrokers.

The "war trials," as Mr. Gillen calls the highly publicized, intense and often acrimonious cases, are what he has enjoyed the most about his work in Atlanta. He said the intensity has forged strong friendships with his co-counsel, and his caseload forces him to continually stoke the "fire in the belly" that a successful litigator must have.

"I really want to be able to look back on my life and say I did something that matters," Mr. Gillen said. "Maybe that's why I have been attracted to the kind of litigation I've been involved in."



Craig A. Gillen (above) will join special prosecutor Lawrence E. Walsh in the Iran-contra case.

'The people of the United States are losing one of their finest advocates anywhere in the country. . . . Craig brings to bear almost a craving to take on the difficult case and make it work.'

— Robert L. Barr Jr.
U.S. attorney in Atlanta

tion facilities for Hangar One at DeKalb Peachtree Airport, Charlie Brown Airport and Hartsfield International Airport, said architect John A. Wurz.

Surviving are two daughters, Alison Pruett and Jennifer Pruett, both of Atlanta; his mother, of Bedford and a sister, Rose Yeskie of Fayetteville, N.C.

Miss Dorothy H. Cain
Retired Secretary

Miss Dorothy H. Cain of Marietta, a retired secretary for J.M. Tull Co., died of a heart attack Thursday at Kennestone Hospital. She was 87.

The funeral will be at 10:30 a.m. Thursday at St. Joseph's Catholic Church in Marietta with burial at Mountain View Cemetery.

Miss Cain was a member of that church and a native of Cedar Rapids, Iowa.

There were no immediate family members among the survivors.

Mrs. Margaret R. Chambers
Former Data Processor

Mrs. Margaret R. Chambers of Fairburn, a former data proces-

Monday of cancer at Ashton Woods Convalescent Center. She was 65.

The funeral will be at 11 a.m. Thursday at Roswell United Methodist Church Chapel with burial at George Washington Memorial Park in Paramus, N.J.

Surviving are her husband, Harold P. Preuss, a son, Brian Feely of River Vale, N.J., a daughter, Teddy Lancaster of Kills Hill, Ohio; two stepsons, Charles K. Preuss of Silsbee, Texas, and Robert D. Preuss of Boston; a sister, Evelyn Hamilton of Kenoza Lake, N.Y., and five grandchildren.

Mrs. Jessie H. Harper
Homemaker

Mrs. Jessie H. Harper of Fairburn, a homemaker, died Monday of cancer at Southwest Christian Hospice. She was 78.

The funeral will be at 11 a.m. today at Herschel McDaniel's Chapel with burial at Holly Hill Memorial Park.

Surviving are five daughters, Helen Perkins of Fayetteville, Lorraine Boyd, Linda Harper and Ann H. Fleming, all of Fairburn, and Mary Jo Barge of Carters-

Memory Garden
Surviving ar
F. Franklin; a
lin of Tucker;
Morrison of S
sisters, Betty K
ham, Ala., and
Stockbridge.

Mrs. Pauline B.
Retired Saleswo

CHARLOT
Pauline B. F
lotte, a retir
Ivy's depar
Monday at H
Center. She w
The grave
at 2 p.m. Th
cemetery in M
Surviving
Jane Andretti
Gray Frady o
brother, Jack
N.C.; two siste
Matthews and
lanta; and five

Mrs. Nina S. G
Former Libra

ORONO.
S. Garwood

To Bar Ev[illegible]

From Page B1

raped and sodomized, and evidence taken during a search of Hammond's jail cell.

Fulton Superior Court Judge Ralph H. Hicks denied both motions, and Assistant District Attorney William L. Hawthorne III said the evidence likely will be used in Hammond's trial to establish a pattern of violent behavior.

Detective Peal said he searched Hammond's cell [illegible] and found photographs of Ms. Weldon, which Williams claimed Hammond had shown him.



Julie Love

Detective Peal, who was accompanied by a Georgia Bureau of Investigation agent when he served the murder warrant, testified that Hammond first appeared to be angry and then laughed and said "this b—," apparently referring to Ms. Weldon, "is behind all this." He said Hammond denied killing "anybody."

Defense attorney William A. Wehunt said the search of Hammond's cell was illegal because he was never formally served with a warrant charging him with Miss Love's murder and was not read his Miranda rights.

Hammond testified that he was not handed a warrant but said one of the detectives read from a piece of paper that contained the words kidnapping and [illegible] names of Julie Love and Janice Weldon.

Detective Peal said that Hammond was given a copy of the murder warrant and that his rights were outlined by the GBI agent.

A co-defendant in the Love case, William Maurice Porter, 20, pleaded guilty to felony murder, rape, kidnapping and armed robbery earlier this month and is expected to testify against Hammond, whose trial date has not been set.

Judge Hicks postponed sentencing Porter until next year.

Fugitive Mother Collects Sons From School and Disappears

From Page B1

manager for a dairy cooperative in neighboring Eatonton.

"She was a good mother when she wasn't in trouble, and I don't feel like she would harm the children, but I don't know what she had on her mind. I can't say they are all right, because I don't know what she intends."

Mr. Batchelor said he has no idea where his former wife could have taken the youngsters, or where she obtained the car, a 1974 or 75 Oldsmobile Cutlass. Sheriff Tillman said witnesses did not get a license plate number.

Principal Andrew Thompson said the women appeared at the office ... it took just a matter of minutes, and by then the mother had picked up the other child and left.

"The children acted as if they were expecting the mother. They ran up and hugged her," Mr. Thompson added.

The father said the boys last saw their mother about nine months ago when she had visitation rights.

Sheriff Tillman said the mother had been jailed several times on bad check and fraud charges, but she never had been charged or convicted of any violent crimes.

A brunette with blue eyes and wavy hair, about 5-feet-3 and 180 pounds, Batchelor was wearing

[illegible] will be at [illegible] today at A.S. Turner and Sons Funeral Home with burial at Floral Hills Memory Gardens.

Surviving are two sons, John A. Reeves of Tucker and Robert P. Reeves of Atlanta; a daughter, Kathy Drennon of Calhoun, Ga.; two brothers, Guy Preston of Columbus, Ga., and Mike Preston of Calhoun, Ga.; and four grandchildren.

Mr. Barry J. Sikora
Designer and Musician

Mr. [illegible] J. Sikora of Acworth, [illegible] died Sunday of a heart attack at his home. He was 39.

The memorial service will be at 4 p.m. today at Norman Medford Funeral Home. The body will be cremated.

Mr. Sikora was an Army Special Forces veteran of the Vietnam War. He was a musician and the composer of New Age music.

Surviving are his wife, Andrea Ailion Sikora; a son, Barry J. Sikora II of Acworth; a daughter, Candice Elizabeth Sikora of Acworth; a brother, Glenn Sikora of Carrollton; and a sister, Paula Sikora-Ricketts of Jacksonville, Fla.

Mr. John E. Luker
Carpenter

Mr. John E. Luker of Marietta, a self-employed carpenter, died of brain and lung cancer Monday at his home. He was 52.

The graveside service will be at 3 p.m. today at Pleasant Hope Cemetery in Rome, Ga.

Surviving are his wife, Carol Luker; four daughters, Charlene Dunn of Marietta, Carolyn Patterson of Blairsville, Ga., Janette Morgan of Villa Rica, Ga., and Annette Knotts of Muscokee, Okla.; two sons, John J. Luker of Gainesville, Ga., and James E. Luker of Dallas, Ga.; his mother, Frances B. Luker of Lake City, Fla.; a brother, Jack Luker of Lake City; and 11 grandchildren.

Deaths Elsewhere

one great-great-grandchild.

Mrs. Myrtice J. Stiegler
Retired Store Owner

Mrs. Myrtice J. Stiegler of Atlanta, retired owner of a drug store in Starke, Fla., died Monday of a stroke at Northside Convalescent Center. She was 83.

The funeral will be at 4 p.m. today at Caldwell and Cowan Funeral Home in Covington with burial Friday at Lower Brandywine Cemetery in Centerville, Del.

[illegible] ated from Shorter College. She was a former high school mathematics teacher in Starke.

Surviving are three sisters, Hilda J. Forehand of Albany, Ga., Flora J. Slade of Starke, and Myrwin J. Long of Atlanta.

Mrs. Mary T. Deamer
School Teacher

DUBLIN, Ga. — Mrs. Mary T. Deamer of Dublin, a former schoolteacher here, died Tuesday of cancer at Fairview Park Hospital. She was 43.

The funeral will be at 4 p.m. Thursday at First United Methodist Church with burial at Dublin Memorial Gardens.

Mrs. Deamer, a native of Milledgeville, Ga., graduated from Tennessee Wesleyan College and received a master's degree from Emory University.

Surviving are her husband, John R. Deamer; a son, William R. Deamer of Dublin; a daughter, Mary Margaret Deamer of Dublin; and her parents, the Rev. William A. Tyson and Margaret Breeden Tyson of Atlanta.

Mrs. Sara V. Henderson
Homemaker

OXFORD, Ga. — Mrs. Sara V. Henderson of Oxford, a homemaker, died Monday at her home. She was 77.

The funeral will be at 2 p.m. today at Caldwell and Cowan Funeral Home in Covington with burial at the Oxford Historic Cemetery.

at 2:30 p.
Cemetery.
She had
from 1948 u
Survivin
Garwood o
Mary Reeves
two brothers
Duluth, Ga.,
of Atlanta; t
Denson of D
Wallace and
Atlanta; and

ANDERS
Mr. Melvin A
Decatur, Ga
son passed a
1989. Funera
Levett & Son, In

BARNETT
Jack A. of Good
day. Funeral se
Thursday morn
Baptist Church
Buford.

BERNSTEIN
Mr. Roger E
day, hom
mother. Ves
A. Michael B
several aunts a
be held in Ne
be made to Th
Wages & Sons

BINNS
Mrs. Ethel Lillian
November 28,
Watts. Union Po

BISHOP
Mrs. Mary A. Bi
New Gardens
1989. She is the
who died in 19
daughters, Mrs.
A. Keown, son
Mrs. Margaret
great-grandchild
said Thursday
Saints Catholic
Kiernan officiat
friends Tuesday
7 p.m. to 9
Wednesday at
Memorial contri
American Cancer
Dunwoody Rd.
Sandy Springs.

BLACK
Mr. Bill M. Bla
Funeral arrange
Springs Chapel.

BLOODWORT
Mr. George Bloo
[illegible]



Greg Foster/Special

rds-McGlamery and others opposed to landfill expansion in Walton County stand in front of a runoff area.

Afraid of the water

residents fight plans d landfill near wells

mes it smelled bad, especially the summer when it was real alker said. "You could see the down in there where some of it g up, and there were dogs down

nings the Walkers could stand, fear of something they couldn't r taste — lead contamination in – that drove the young couple to l-month-old son and move to Lo- w weeks

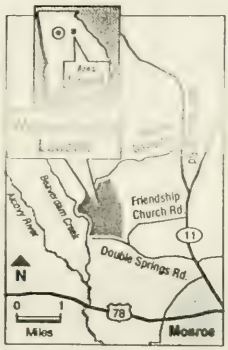
Questions about water pollution from the aging landfill, which does not have protective liners or monitoring wells, arose when the Walton County Commission proposed an expansion of the site earlier this year.

the local newspaper.

"We got real scared," Mrs. Walker said. "The lady from the Department of Natural Resources [DNR] came out and checked it. She said it was fine, and that we were really lucky as close as we were. But we had still read all this other stuff, so we really didn't know what to think."

Even scientific data has not cleared up the confusion or calmed many fears.

RESIDENTS Continued on **D10** ▶



DeKalb County schools' preliminary plan for an expanded magnet school program caters to white parents and is far too narrow to comply with a federal court's desegregation order, a plaintiff in the case said Tuesday.

School Superintendent Robert R. Freeman on Monday suggested magnet programs for about 2,370 students. But Roger Mills, a plaintiff and vocal proponent of integration efforts since 1975, said he believes more than 10 times as many students would have to attend new schools to meet the court's requirements.

"You need to move about 25,000 students, and when the superintendent proposes a plan that is going to move or transfer about a few hundred, he's whistling Dixie," Mr. Mills said.

"He's pandering to the interests of the most conservative elements of the white community. He's saying, 'How can I appease the white community and convince the court this is all I can do?' "

Mr. Mills has said he believes DeKalb should strive for blacks to comprise between 37 and 77 percent of the student population at

School Board Chairman Nor-

unveiled Monday as an attempt to prevent white and middle-class flight from the school system.

"We're trying to do something that will work and not end up with a school system being 99 percent black and half the [current] size," she said. "If we don't do something the parents want, we'll lose not only white parents but black parents as well."

Sixty percent of white parents and one-fifth of black parents said they would pull their chil-

MAGNET Continued on D12 ▶

ings praises pic site

n Jr.

Mayor An- ddressing the of Asia Tuesday, la as a "human nd portrayed the ict North Ameri- ving the Games. e city where the Overcome' comes nspired people e world," Mayor

g, along with a ers of the Atlan- ommittee (AOC), ing votes to sup- l to host the sum- nes in 1996. International ttee (IOC) mem- uth is almost an ntry is a key to Some IOC mem- sed reluctance to es to the United fter the [illegible] os s. The [illegible] will

ontinued on **D12** ▶



W.A. Bridges Jr./Staff

Abortion rights activist testifies

Katie D. Moss, on trial Tuesday for simple battery, shows the "mocking" Nazi salute she says she was making when she accidentally hit a police officer at a protest against an anti-abortion group. Article, D4.

Woman testifies Hammond was her 'maniac' attacker

By Duane Riner
Staff writer

A woman Tuesday identified Emmanuel Fitzgerald Hammond as the "maniac" who abducted her from her doorstep, raped her, stabbed her and left her for dead in the same place where he allegedly dumped Julie Love's body.

She testified at a hearing in which prosecutors in the Love case won permission to use her testimony and that of another woman to show that the circumstances in the Love slaying are similar to those of other cases in which Hammond is accused.

Hammond is to go on trial June 30 in the slaying of Miss Love.

The woman testifying Tuesday said she was kidnapped at the door of her Morningside apartment on May 5, 1988.

During the next three hours, she said, Hammond, who wanted $500 for drugs, drove her to several automatic teller machines in effort to get money from her checking account, then took her to the Grove Park area of northwest Atlanta, where she was raped and repeatedly stabbed in the chest and throat.

"I spent hours with this maniac," the woman told Fulton Superior Court Judge Ralph H. Hicks. "He thought he had killed me. I pretended I was having convulsions, and he stopped stabbing me and left."



Emmanuel F. Hammond

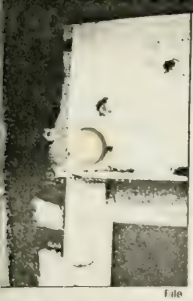
Hammond faces kidnapping, rape and related charges in the case of the Morningside woman, but has not been tried.

Hammond, a 24-year-old Marietta mechanic, is charged with the shotgun slaying of Miss Love, a 27-year-old exercise teacher who disappeared in July 1988. Miss Love's body was found in August in the same Grove Park area where the Morningside woman was left for dead.

Hammond was never tried in a 1981 assault on a third woman, a former Georgian who now lives in New York.

13

1989



File

s killed by a bomb. Authon-
ngs are racially motivated

r, bombs



Robert E.
Robinson

nation to ( ) 24-hour hot-

urnal-Constitution reported

the significance of ei

ecclined to say whether the
ontained the apparent refer-
s Day, 1987. Asked if the sig-
te still is under investigation,
several reasons which we de-
n."
stated its message for judges
want to live, you shall make
rights of the innocent your
nd you shall fulfill that

r attorneys and the black
, if you want to live, you
on required to prevent black
hite women."
, Atlanta regional director of
the letter to WAGA-TV used
an unsigned letter addressed
much more specific."
n letter to the NAACP, also
anta, mentioned the Ameri-
nt Federal Judicial System.
said he and his office staff,
hes in the Southeast, includ-
were taking security precau-
es and homes, but he would

this very seriously. We don't
ans for a Competent Federal
are, but they are deadly

dge Richard C. Freeman of
lieves he received mail from
months ago. "When I heard
I recognized it . . . I couldn't
hat they
but it w. threatening in

ge Albert J. Henderson of At-
rse I'm concerned. We're all
is type of threat is made, es-
vents of the past
ourn of Atlanta
orgia, said
d law-

Staff writer

The author of the venomous "Americans for a Competent Federal Judicial System" letter is probably an intelligent but deeply disturbed man who thinks of himself as a victim who can show his cause is justified, experts on the criminal mind said Thursday.

The letter delivered to WAGA-TV reflects a mind filled with anger, low self-esteem and a willingness to kill for attention, said Dr. Dave Davis.

"He's really a sicko. If I had to take a guess right off I'd say he was a paranoid person," said Dr. Davis, a forensic psychiatrist who works for the Secret Service. Dr. Davis developed a profile of the killer in Atlanta's "missing and murdered children" case for NBC News and described a black male in his 20s before an arrest was made. Wayne Williams, convicted in two of the murders, is a black male who was 23 when he was arrested.

Dr. Davis said the letter's author is probably a white male in his 20s.

"Rarely are people like this over 40," he said.

"My guess is that it is not one person writing that letter," said Dr. Martin Youngleson, a forensic psychiatrist. "It sounds like a very keenly worked-on piece of propaganda, as if there were some kind of organization behind it."

The mock-legal style of the letter, which was discovered at WAGA-TV Wednesday, postmarked Dec. 21 with a return address of Americans for a Competent Federal Judicial System, is in keeping with the type of person who could commit an anger over being victimized that often stems from a very strict childhood, Dr. Davis said.

"Such people will quote their rights all the time — no matter what the conversation, they'll be talking about victimization," he said.

The letter's author probably feels the killings of Judge Robert S. Vance and lawyer Robert Robinson are justified, said a forensic psychiatrist who has worked on serial murders. He asked that his name not be used.

He said frequent references in the letter to the rape and murder of Julie Love — whom the author says he is avenging with the latest killings and plans for two more — are probably designed to win the sympathy of the public or police.

The letter, which misstates details of Ms. Love's murder, is meant to make her alleged killer sound as detestable as possible, said the psychiatrist.

The need for recognition also may account for the person's care to leave an identifying code in the letter to authenticate it.

"It's rather consistent with people who see their cause as just, that want to have an identity because they don't want it to appear the work of a crackpot, or of someone who shouldn't be listened to," the psychiatrist said.

The person who wrote the letter may want police to catch him, Dr. Davis said.

"If you don't want to get caught, you don't send a letter to a TV station," he said. Being caught, he said, would bring the person the fame



File

Julie Love's friends and relatives circulated posters and held rallies for months after her disappearance hoping for information on her whereabouts. Her body was found 13 months later.

Writer of letter misstated facts in Love case

By Adam Gelb
Staff writer

The writer of a letter claiming responsibility for recent fatal bombings says the attacks were prompted in part by the slaying of Atlantan Julie Love, but the letter's version of the killing differs notably from that of police and published accounts.

According to the letter, discovered late Wednesday by WAGA-TV and typed in all capital letters, Ms. Love, "a young innocent white lady was robbed, kidnapped, gang raped, sodomized, murdered and dismembered by a group of black males. Her remains were concealed for an extremely long period of time, leaving her love {sic} ones in excruciating anguish."

Two black men were charged in the case, [illegible] charged with

ness teacher vanished the night of July 11, 1988; her car was discovered three days later, out of gas on a quiet street near Buckhead. Friends and relatives mounted a massive publicity campaign to find her. Police found her skeletal remains 13 months later, on Aug. 24, in an illegal northwest Atlanta dumping ground after an informant broke the case.

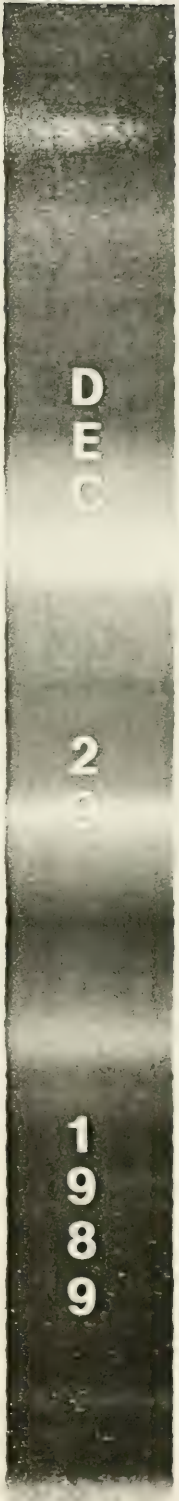
Emmanuel Fitzgerald Hammond, 24, pleaded innocent and faces a death penalty trial in Fulton County Superior Court possibly as early as late January. The letter did not mention another case in which Hammond is charged with abducting, raping and slitting the throat of a white DeKalb County woman.

William Maurice Porter, 20, pleaded guilty Nov. 6 to felony

There was no apparent connection Thursday between Ms. Love and either Judge Robert S. Vance of the 11th U.S. Circuit Court of Appeals or Savannah lawyer Robert E. Robinson, the victims of the two fatal bombings. Neither was involved in the Love case.

Ms. Love grew up in Mountain Brook, the exclusive suburb outside Birmingham, Ala., where Judge Vance lived, but a friend of Ms. Love's said Thursday that she did not know him.

According to the informant, Hammond's former girlfriend Janice Weldon, she and the two men stumbled upon Ms. Love as they were driving home from a movie, abducted her and tried to withdraw money with her instant banking cards



Security tightened for Julie Love slaying trial

By Duane Riner
Staff writer

Security will be tight and seating limited as jury selection begins today for the trial of Emmanuel Fitzgerald Hammond, who could face the death penalty in the July 1988 slaying of Julie Love.



Emmanuel Hammond

Spectators at the murder trial will have to pass through two metal detectors — the one normally used at the building entrance to screen visitors entering the courthouse and a special de-

courtroom of Fulton Superior Court Judge Ralph H. Hicks.

Furthermore, the courtroom will be checked before each daily session by security forces aided by bomb-sniffing dogs, and key court officials, including Judge Hicks, have been furnished with bulletproof vests.

Security precautions for the trial, the strongest since the 1982 trial of Wayne Williams, who was convicted of two murders in the "missing and murdered children" case, were prompted by a letter to WAGA-TV from an anonymous writer who claimed responsibility for the mail-bomb killings of 11th U.S. Circuit Court of Appeals Judge Robert S. Vance and Savannah lawyer Robert E. Robinson.

The letter indicated the bombings might have been partially in retaliation for the rape and murder of Miss Love, a 27-year-old children's exercise teacher who vanished from a Buckhead street on July 11, 1988, and whose body was discovered last August in a wooded northwest Atlanta dumping ground.

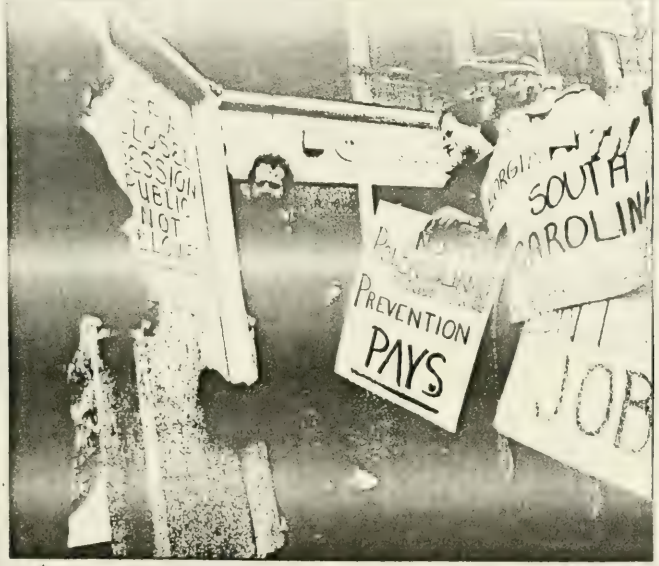
Maj. Berle S. Brereton, who is in charge of court security for the Fulton Sheriff's Department, said only 80 visitors at a time will be allowed in the courtroom. He said that if public interest is high, spectators may be rotated for morning and afternoon sessions.

Besides having four deputies in the courtroom during the two to three-week trial, Major Brere-

specialists in riot control to patrol the hall outside the courtroom.

Fulton Superior Court Administrator Sanford J. Jones, who heads up a security committee for the court complex, said the panel determined "it was best to make an extra effort to assure there would be no incident during the trial," especially in view of the reference to the Julie Love murder in the letter received by the television station.

Hammond, 24, who will be tried on murder, kidnapping and armed robbery charges, will be transported from the Fulton County Jail to the courthouse in a different car each day of the trial.



John Spink/Staff

Outside EPA offices, Doug Morrison of North Carolina kicks down a door symbolizing what the environmentalists called the EPA's closed-door policy. The environmentalists met to criticize the EPA's hazardous waste policy in the South, urging reductions in waste production instead of an increase in dump sites.

Critics blast EPA's toxic waste policy

They urge less waste, not more dump sites

By Scott Bronstein
Staff writer

A dozen environmental leaders from grassroots organizations in seven southeastern states blasted the region's Environmental Protection Agency officials Monday for promoting hazardous waste facilities and a regional agreement between southern states to manage hazardous waste.

The environmental leaders, who have gathered in the city for a weekend conference, said in the South. They said the region leads the nation in dealing responsibly with the hazardous waste problem.

"The plan to build more hazardous waste treatment facilities in our states will guarantee more toxins in our air, water and bodies," said John Bragg, representing a citizens group called The Healthy Air and Water Campaign, in Pasco County, Fla., where a waste incinerator is being planned.

Mr. Bragg was joined by other critics from North Carolina, South Carolina, Tennessee, Alabama and Kentucky as well as elsewhere in Georgia.

"The decision to build more

of policy, planning and evaluation branch of the southeastern EPA office, said the critics are wrong about the efforts to control hazardous waste in the South.

Brian Hunt, the Greenpeace spokesman in Atlanta, said "Every state should be responsible for its waste. But they should not simply make more facilities that will make more toxic victims, like those in Alabama and South Carolina."

Five southern states have currently agreed to form a compact for hazardous waste disposal — Alabama, South Caroli-

immunity in milk probe

Dairy insiders to testify in price-fixing case

By Jim King
Staff writer

Three former or current dairy

change for testimony regarding allegations of price fixing on school milk contracts in Georgia.

Prosecutors in Gwinnett County agreed Monday to grant immunity to Jack A. Harris, an employee of Atlanta Dairies, who invoked his Fifth Amendment right against self-incrimination two weeks ago when he appeared before a county grand jury.

Tom White, a former employee of Meadow Gold Dairies, and William Waters, a former employee of Flav-O-Rich Inc., received similar grants last week, according to Assistant Attorney General George Shingler, who is heading the investigation.

According to court records in Florida, Messrs. White and Waters were named as co-conspirators in a civil lawsuit there involving price fixing that resulted in the state recovering more than $33 million in damages.

All three dairies, with nine others, are the targets of a Georgia lawsuit filed in federal court last year by Attorney General Michael J. Bowers. The suit charges the companies with price fixing and asks for unspecified damages that authorities say could total tens of millions of dollars.

A special grand jury was convened in Gwinnett in November to investigate whether dairies have committed criminal wrongdoing.

Mr. Harris was one of four Atlanta Dairies workers who refused to testify before the Gwinnett grand jury two weeks ago. He is the only one of the four to receive immunity.

Mr. Shingler told Superior Court Judge Homer M. Stark on Monday that the state opposes

briefs

ommission at all'

Maloof was admitted to
or a routine diabetes
n, but will remain in
said.
county spokeswoman
will be handled by
ds as usual, and [Mr

ed several days. Ms

ng appeared to reflect
elations between rest
unty
of 5-0, with no major

that the plan would
ood school concept be-
e transferred next fall

art at apartments

the slayin[g] of a man
outhwest A[tlanta] apart-

victims were shot to
[in] a court
[in front
[of] both victims, but J.B
e in southeast Atlanta,
, Cassandra Brown, a
had moved from the

on for legal costs

Smith sued the County
es incurred last year to
he fabricated property
peter[s]
[mem]bers against the com-
Mr. Smith's ouster. A
Superior Court.

ng on previous day

r Thursday morning is
drug-related slaying
olice said
eleased, was found just
oad N.W. He had been

d said the killing is be-
who was killed Wednes-
ing Jr. Drive.

lton school board

ppointed Zenda J. Bow-
rm of Marcus V. Bell as
and East Point.
who works outside her
signed in December to
Education [a] term ex-

to do these kinds of
American Lung Associa-
excited about it."
From staff reports

Hammond lawyer: No insanity plea

Judge reschedules Love slaying trial to begin Feb. 19

By Duane Riner
Staff writer

The man accused in the shot-
[gun slayings of Jolie Love's mom
[and dad] is competent to stand trial, a de-
[fense psychiatrist] testified Thursday.

After receiving the findings of Dr. James S. Cheatham, Fulton Superior Court Judge Ralph H. Hicks canceled plans for a jury to determine the competency of Emmanuel Fitzgerald Hammond and rescheduled his trial on kidnapping, armed robbery and murder charges for Feb. 19.

The trial, originally scheduled to begin with jury selection on Jan. 30, was postponed after Hammond's lawyer, William A. Wehunt, told the court that mental and physical examinations had not been completed, and their results might cause his client to switch his plea to not guilty by reason of insanity.

Mr. Wehunt said Thursday
[that] Hammond's not-guilty plea would stand.

In his report, Dr. Cheatham said psychological testing of Hammond did not reveal "any significant signs of mental disease or impairment."

In fact, the report added, Hammond was found to be a physically healthy individual free of any active mental problems. Intelligence tests placed Hammond's IQ at 83, which the psychiatrist described as "the dull-normal range of intellectual abilities."



"Based on my evaluation of Mr. Hammond, I am of the opinion that he possesses
[the ability to consult] with and assist counsel in his own defense and to stand trial," Dr. Cheatham wrote.

The psychiatrist also said his examination led him to the opinion that Hammond possessed "sufficient mental capacity at the time of the alleged offenses to distinguish right from wrong and to adhere to the right."

Both Judge Hicks and Mr. Wehunt said they concurred in the psychiatrist's findings and had not detected any mental problems in the man who could face the death penalty in the slaying of Miss Love, a 27-year-old preschool fitness teacher whose body was discovered last August in a wooded northwest Atlanta dump-
[ster.]

[Hammond's co-defendant, Porter, also has been charged] in the slaying of Porter, after he [allegedly] gave her a can of gasoline on a northwest Atlanta street. She was transported to several automatic teller machines in an attempt to siphon money from her bank account, raped by Porter, who pleaded guilty to his role in the crime in December, and then killed by Hammond, investigators said.



Board will let assistant to Harris stay in job; school workers angered

By John Blake
Staff writer



D.F. Glover



Garfield Harris

In a move that school employees said smacked of special treatment, the Atlanta Board of Education said Thursday that it will keep an assistant superintendent in his post even though he does not meet his job's requirements.

Board President D.F. Glover said Garfield B. Harris will continue to serve as assistant superintendent of facilities, though he does not have the required degree for his job.

Dr. Glover said the board was satisfied with Superintendent J. Jerome Harris's explanation — that the job requirement was written specifically to suit Garfield Harris's predecessor.

"The superintendent admits that an error was made and that in the future a job description will be written impartially," Dr. Glover said as he left a four-hour meeting with the board Thursday night.

Board member Joseph Martin said Mr. Harris's work performance — not whether he met his job's educational requirement — was what was important.

"He is doing a great job," Mr. Martin said. "I am saying that any job that states an artificial academic requirement is an error."

School employees who attended [the] standards," she said.

Charles Maddox, a heating mechanic for the city's schools, said the board's decision will demoralize employees and students.

"We're in the business of trying to teach children that everybody has an equal opportunity," he said. "If we keep a person who is unqualified in a position, we're telling kids it's not what you know, it's who you know."

The Atlanta Journal-Constitution learned two weeks ago that Mr. Harris, who is not related to the superintendent, lacked the degree required for his post.

According to a job description published by the Atlanta public schools' personnel division, a bachelor's or master's degree in building construction management, engineering, architecture or educational administration was necessary.

Mr. Harris does not have any [of] his

Jury selection slow as trial starts in Love case



Emmanuel Fitzgerald Hammond

By Duane Riner
Staff writer

Jury selection moved at a snail's pace Monday in the trial of Emmanuel Fitzgerald Hammond, 24, who could face the death penalty if convicted of killing Julie Love.

By the end of the first day, only 13 of 50 prospective jurors who were questioned were asked to return for later consideration.

Twelve jurors and three alternates will be selected from 54 found to be qualified, a process that court observers said could take all week.

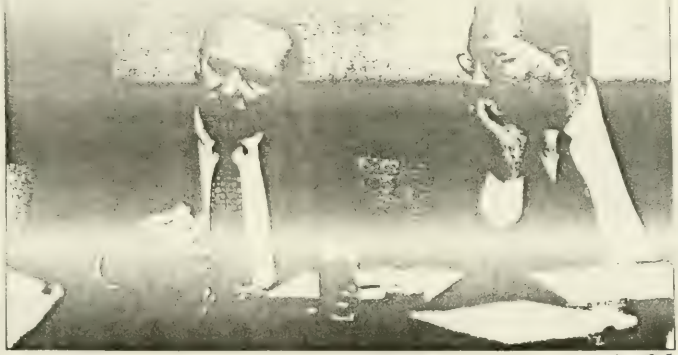
Twenty-four members of the first panel were excused early in Monday's selection process because they had formed opinions about the case, had physical hardships after Fulton Superior Court Judge Ralph H. Hicks announced that the trial might last three weeks and that jurors would be sequestered in a hotel at night.

Nine more were removed because of opposition to the death penalty, and four were excused because they said they had formed an opinion that Hammond was guilty based on news accounts or conversations with others.

Jury selection in the widely publicized case — in which Miss Love, a 27-year-old preschool fitness teacher, was kidnapped from a northwest Atlanta street, robbed and shot to death — followed a lengthy round of pretrial hearings required by double jeopardy cases.

The last preliminary hurdle was cleared Feb. 8, when a defense psychiatrist issued a report saying Hammond knew right from wrong at the time of Miss Love's July 11, 1988, disappearance and is competent to stand trial.

Security in the Fulton Superior Court building was the tightest since the 1982 trial of Wayne Williams, who was convicted of two slayings in the "missing and murdered children" cases. Visitors to the trial were required not only to pass through the regular metal detector at the building entrance but to clear another screening device outside the courtroom. A specially trained riot squad augmented a beefed-up contingent of sheriff's deputies in the courtroom and adjacent hallway.



Calvin Cruce/Staff

Dan Allen (left) makes a point as Steven Boyd looks on during the first meeting of the 21-member Cobb County Community Relations Council Monday. Calls for its establishment began seven years ago.

Advisory panel to deal with concerns of Cobb's minorities has 1st meeting

By McKay Jenkins
Staff writer

Cobb County's Community Relations Council met for the first time Monday, seven years after the first of several incidents of racial violence sparked demands for its establishment.

"This board should serve to heighten the consciousness of the county," said Jerry Dodd, president of the county's NAACP. "If the issues we are addressing get aired publicly, people will have to pay attention. It's too early to tell, but we're looking for a vast representation of minority groups around the county."

Calls for creation of an advisory board to address minority concerns began after a black family's home in Mableton was riddled with shotgun fire in 1983. No action was taken, and the request was made again when a cross was burned at a predominantly black church in Powder Springs in 1988.

The 21-member board, formed after years of pressure from minority groups, more than doubles the number of blacks advising the County Commission, from five to 12. As of Jan. 1, just 17 blacks served among the 530 members of citizen advisory committees in the overwhelmingly white suburban counties of Cobb, Gwinnett and Clayton.

In addition to racial attacks, issues expected to come before the council include increased funding for welfare organizations such as shelters for the homeless and the mentally ill, said Ginger Kaney, director of MUST Ministries, which operates Cobb's largest homeless shelter and food kitchen.

"Hopefully, this will be a place where people who are mentally ill people who are not being taken care of, for example, and I'd like to find some way to deal with them."

Cobb runs a pilot three-month day shelter with 25 beds, but funding is due to expire March 31, she said.

The new council also will seek to expand the county's bus system to serve more low-income people in Marietta and Smyrna, according to board member Steven M. Boyd.

Gwinnett and Clayton counties are forming their own community advisory boards, which would begin meeting in March or April.

"The message we're sending to the community is that everybody has a right to be treated justly and fairly," said Cobb Commission Chairman Philip L.

supermarket bomb probe

By Chuck Bell
Staff writer

Federal investigators will receive information from police on a Sandy Springs teenager who purchased materials to make a bomb three days before explo-

Monday.

"We'll pass what we have along to them and let them decide what they want to do about it," said Detective Steve Rose, a Fulton youth investigator. Police said they have no evidence that the 16-year-old is connected with Saturday's supermarket bombings.

The teenager went into the C And C Hardware Co. at 6247 Roswell Road on Wednesday and purchased copper pipe, end caps and two boxes of kitchen matches, Detective Rose said.

The clerk told police the boy told him he was making a bomb. The clerk got the license number of the teen's vehicle and gave it to police.

The rash of hoaxes sparked by the grocery bombings continued Monday night. North Fulton Regional Hospital in Roswell evacuated all 96 of its patients to a medical building next door for two hours after receiving a call that a bomb was set to go off in the building.

"Normally we would not have evacuated, but because of what just happened at the Roswell supermarkets I decided we had to," said Frederick Bailey, chief executive officer of the hospital.

Police said Northside Hospital received a similar call, apparently from the same woman who has placed many of the hoax calls, but decided not to evacuate.

The two supermarket bombs, which apparently did not detonate completely, went off about 3 [illegible] Saturday in the Kroger [illegible]

Metro & State

THE ATLANTA CONSTITUTION ★★★ TUESDAY, FEBRUARY 27, 1990

INSIDE

Legislative news 3
Science/Medicine 5
Obituaries 6,7

Emmanuel Hammond hated white women, witness testifies

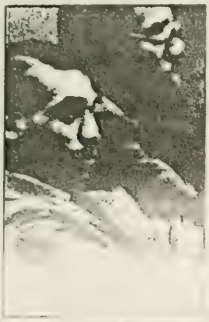
Defendant's ex-girlfriend tells her version of night Love died

By Duane Riner
Staff writer

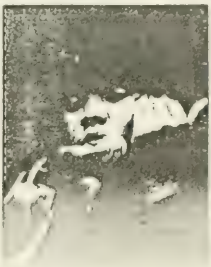
The former girlfriend of the man charged with the slaying said he hated white women. He hated his stepdaddy because he was white and didn't want his mom to marry that white man," said Janice Weldon, the former girlfriend of Emmanuel F. Hammond, 24.

Co-defendant W. Maurice Porter has pleaded [illegible] the trial. A group claiming re-

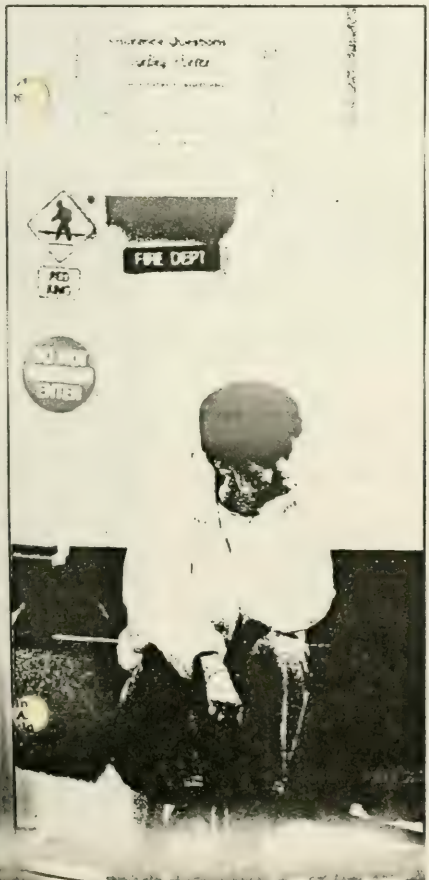
Please see LOVE, B4 ►



Murder defendant Emmanuel F. Hammond listens in court Monday



Janice Weldon testified her face was hurt when Hammond beat her





Richard Mullins steps out of his house in Fannin County. The retiree's home was knocked off its foundation by flood waters. He's hoping to get enough disaster relief money "to make my house livable."

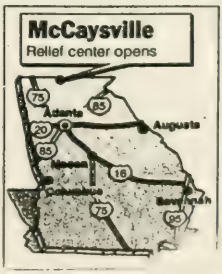
Flood relief trickles in

Disaster aid centers taking applications in North Georgia

By John Harmon
Staff writer

McCAYSVILLE, Ga. — A ray of hope returned to this river town devastated by flash flooding 11 days ago, as residents Monday filed into a elementary school gymnasium to apply for federal disaster relief.

"It's not going to cover everything, but they say they can get me enough money to make my house livable," said Richard Mullins, whose Fannin County retirement home upstream of McCaysville was knocked off its foundation by



Saturday from 9 a.m. to 6 p.m., while the Eton center will be open only through Wednesday, then will move to a Floyd County location yet to be determined.

About 30 people filtered through the Douglas County center Monday at Fairplay Elementary School, receiving briefings on grants and loans, along with insurance and tax benefits. Only people whose losses were [illegible] sured are eligible.

"This is quick, one-stop processing," said John W. [illegible] spokesman for Federal Emergency [illegible]

[illegible] station was one of four centers that opened Monday to serve 12 LaFayette in Walker County,

Georgia newsbriefs

Peach, apple growers report little damage from freeze

After checking their orchards Monday, Georgia's peach and apple growers reported no significant crop damage from sub-freezing weekend temperatures, although some early peach blossoms were killed.

Several growers around the state said the cold danger will not be over for the next three or four weeks, though the state's immediate forecast calls for a slight warming trend.

Dr. Maurice Feree, head of the University of Georgia extension horticulture department, said a breeze during the wee hours Sunday and Monday may have prevented damage. "Both nights the wind blew and kept the temperatures considerably above those that were forecast," he said.

Soldier dies as tanker truck explodes at Hunter airfield

SAVANNAH — A soldier was killed Monday when a parked tanker truck containing a small quantity of aviation fuel exploded and caught fire in a motor pool parking lot at Hunter Army Airfield.

The tanker truck, designed to carry 2,500 gallons of jet propulsion fuel, was almost empty when the accident occurred at 9:10 a.m., according to Jim Wyatt, a spokesman for the Army post.

Group of veterans home challenges s[illegible]

MILLEDGEVILLE — A group at the Georgia War Veterans Home in Milledgeville wants to know who has the right to decide where, and if, smoking should be permitted in state-supported hospitals.

The Oconee Smokers Rights Group was formed by residents at the home, where smokers must go to a heated, screened outside porch to indulge their habit. "We think it is just not a fair way to treat men who consider this their home," said Charles Whittle, a non-smoking resident and a member of the group, whose 23 members hope to win the right to negotiate smoking regulations at the home.

City names grand marshal for St. Patrick's Day parade

[illegible] marshal [illegible] St. Patrick's Day parade [illegible].

Mr. Reardon was elected Sunday by the St. Patrick's Day Parade Committee. Chosen as chaplain was the Rev. John Kenneally, pastor of St. James Catholic Church.

Michael Beytagh, 1990 general chairman of the committee, said the March 17 parade will have 42 bands along with dozens of floats.

Mr. Reardon retired in 1986 as a manufacturing manager with Union Camp Corp. He later founded Southern Corrugated Machinery in Pembroke.

From staff and Associated Press reports

Judge OKs mom's taped confession to 2 killings

By Jane O. Hansen
Staff writer

A Clayton County Superior Court judge ruled Monday that the videotaped confession of Martha Ann Johnson, who allegedly killed all four of her children, is admissible as evidence, paving the way for an April 30 murder trial.

The taped statement to Clayton County police before her July 3 arrest, in which she con[illegible]



File

Martha Ann Johnson, shown in court last summer, will go on trial on charges she smothered her daughter, Jennyann Wright.

fourth child died in Fulton County, but no action has yet been taken in that case. Police said Mrs. Johnson has confessed to [illegible]

Mrs. Johnson's [illegible] in McDonald, said the ruling by Clayton County Superior Court Judge Kenneth Kilpatrick was a serious setback. "But you get a second chance with the jury. They can still determine how much weight to give those statements," he said.

Mr. McDonald had sought to suppress Mrs. Johnson's videotaped statement, along with others made the same day to police, arguing that she had been co[illegible]. However [illegible] Mrs. Johnson made to police before her arrest "meet the constitutional requirements for admissibility."

Mrs. Johnson, who weighs around 200 pounds, was indicted last summer for the murder of three of her four children, who died between 1977 and 1982. A [illegible] deaths, Clayton County police dropped their investigation in 1982, following the death of Jennyann Wright, Mrs. Johnson's 11-year-old daughter from a former marriage.

The case was reopened at the end of 1988, following inquiries by The Atlanta Journal-Constitution, which published an article [illegible]

Jennyann Wayne Bo[illegible] died, along[illegible] while in the [illegible] that chro[illegible] months l[illegible] now lives[illegible] arrested [illegible] murder [illegible] Jennyann [illegible] was attri[illegible] phyxia." In her [illegible] Mrs. Joh[illegible] vince her[illegible] her, she [illegible] with her [illegible] asleep, sh[illegible] until she [illegible]

Love: Witness gives her version of slaying

▶ Continued from B1

sponsibility for a rash of December mail bombs that killed a federal judge and a lawyer in the Southeast have cited the slaying of Miss Love as one of the reasons for their attacks.

Hammond's attorney, William A. Wehunt, told jurors in his opening statement that Porter and Ms. Weldon were the actual killers and that Ms. Weldon pointed the finger at Hammond because of her jealousy over his dating other women.



Julie Love

Ms. Weldon, 34, who remained silent for more than a year before telling police about the killing, testified that Hammond threatened to kill her and her children if she revealed his role in the death of Miss Love.

Miss Love's body was found last August in a northwest Atlanta dump after Ms. Weldon came forth.

Ms. Weldon, who went to police after allegedly being beaten by Hammond, recounted in stark detail the abduction of Miss Love, whose car had run out of gas on Dover Road near Howell Mill Road.

Her account drew tears from members of Miss Love's family.

According to Ms. Weldon, who was with Hammond and Porter when the kidnapping occurred, Hammond pulled Miss Love into the car that night after she refused his offer of a ride.

Ms. Weldon said the trio drove Miss Love to the rear of Grove Park Elementary School, where they rifled her purse. While Hammond held Miss Love at gunpoint behind the school, she and Porter used her bank machine cards to try to withdraw money from automatic teller machines at the West End Mall.

But Miss Love had given them false personal identification numbers, and the machines retained the bank cards.

Hammond, enraged, hit Miss Love with his shotgun, Ms. Weldon told the jury of six men and six women who will be sequestered.

Porter, under the guise of warning her against angering Hammond again, took Miss Love aside and raped her, Ms. Weldon said.

Ms. Weldon, who was not charged, said she got Hammond and Porter to drop her off at her house that night after the bank cards failed.

When Hammond and Porter returned to her College Park apartment around 7 a.m. on July 12, Ms. Weldon asked what had happened to Miss Love. Hammond told her that he "blew her head off," Ms. Weldon said.

[illegible] But for many others, the [illegible] of [illegible] seasons is often associated with sinus-related pa[illegible] intense headaches, chronic pressure and nasal bl[illegible] Most sinus sufferers rely on over-the-counter med[illegible] But those with serious symptoms require more.

At Metropolitan Hospital, we know when a sim[illegible] antibiotic or decongestant can give you relief. But

Sinus. We e[illegible] as sea[illegible]



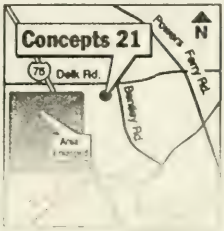
"Concerned About You"
3223 Howell Mill Road, NW Atlanta, GA



Calvin Cruce/Staff

Second rape charge filed; suspect held without bail

Terry Thaddeus Greenway motions to his family as he is escorted Tuesday from a Cobb County Superior courtroom by a sheriff's deputy. Cobb authorities charged Mr. Greenway with a second count of rape involving an attack at the Concepts 21 apartment complex [illegible] Marietta. His request for bail was denied. The part-time [illegible]



Taylor County filed a lawsuit Tuesday accusing Gov. Joe Frank Harris and other state officials of "gross abuse of discretion" in choosing a 3,300-acre site for the facility.

The Legal Environmental Assistance Foundation (LEAF) filed suit in Fulton County Superior Court against the state's Hazardous Waste Management Authority, which is chaired by the governor. Residents of Taylor, Talbot and Pike counties and Atlanta environmental groups asked LEAF, a Tallahassee, Fla., environmental law firm, to represent them in the case.

The suit asks the court for a jury trial to decide whether the state should reopen the site selection process.

The complaint claims the decision to pick the Taylor site from six considered in 1988 was not consistent with the criteria developed and adopted by the waste authority. Attorneys for LEAF said the whole selection process was flawed.

"The governor and the waste authority never tried to identify a [illegible]

any of the decisions that [illegible] made other than an incentive [illegible] locate a site and deal with [illegible] problem that we've inherited in [illegible] responsible way."

The governor announced [illegible] July 1987 that he wanted a ha[illegible] ardous waste facility operating [illegible] the state by 1991.

After the governor ask[illegible] counties interested in having [illegible] facility to apply, 15 initially e[illegible] pressed interest. But ma[illegible] dropped out after local oppo[illegible] tion developed.

In December 1987, after [illegible] ranking of the remaining site[illegible] the waste authority selected [illegible] tract in the southern part of Ta[illegible] lor County. But a Superior Cou[illegible] judge ruled that the Taylor Cou[illegible] ty commissioners violated th[illegible] state's Open Meetings Act whe[illegible] they met to offer the site, and th[illegible] governor decided to reopen th[illegible] selection process.

In December 1988, the was[illegible] authority picked another Tayl[illegible] County site, this time against [illegible] advice of its hired consult[illegible] Law Environmental, which p[illegible]

pediency. The authority's actions are unconscionable, and they

[illegible] Jeanie Mackay contributed to this article.

Cobb commissioners OK $1 billion capital budget

By McKay Jenkins
Staff writer

[illegible]obb County commissioners gave preliminary approval Tues[illegible] [illegible] nance the construction of new roads, a jail, a garbage incinerator and a convention center.

The capital-improvement plan, outlining for the first time how the county will pay for its most-expensive projects, would increase property taxes by a total of $120 for the owner of a $100,000 house by 1995 but would depend

▶ Water main break closes road in Cobb County C2

[illegible] largely on user fees [illegible] Moon.

"These are projects that we must plan ahead — they are too expensive to pay for with annual budgets," Mr. Moon said. "Property taxes will have to be involved, but mostly these projects will be paid for by the people who use them."

Please see COBB, C6 ▶



Marvin Yizar



Ernesto Jackson



Joseph Perry



Tony Holmes

Fugitive Yizar, 3 others are indicted in Iteld case

By Kathy Scruggs
Staff writer

A Fulton County grand jury in[illegible] dicted Marvin Yizar Tuesday [illegible]

Attorney Lewis Slaton said he thought the fugitive private detective would soon turn himself in.

Three of Yizar's associates were also indicted on a charge of hindering his arrest and punishment and destroying evidence in the case, Mr. Slaton said.

Yizar — private detective, one-time mayoral candidate, one[illegible] time deputy and convicted arson[illegible] ist — is charged with the Jan [illegible] murder of Julius Iteld, who[illegible] [illegible] charges [illegible]

the 1988 federal arson convict[illegible] Yizar vanished shortly after t[illegible] slaying, but was reportedly see[illegible] in Atlanta three days ago, polic[illegible] said.

"I lean that way, that he i[illegible] here," Mr. Slaton said. "This i[illegible] his place. This is his place t[illegible]

Please see ITELD, C5 ▶

Defense shows tape of witness implicating Hammond in other crime



[illegible] and Lorytta Love, the father and stepmother of [illegible] Love, listen to Janice Weldon's testimony Tuesday in the trial of Emmanuel Hammond, who is accused of kidnapping, robbing and killing Miss Love.



Staff photos by Renee Hannans

By Duane Riner
Staff writer

Emmanuel F. Hammond, on trial for the shotgun slaying of Julie Love, also robbed and killed a Villa Rica man, Hammond's former girlfriend told the GBI in a videotaped statement played by Hammond's own lawyer Tuesday.

Defense attorney William A. Wehunt played the tape of prosecution witness Janice Weldon's statement in an attempt to prove inconsistencies in her stories about events the night of July 11, 1988, when Miss Love was kidnapped from a Buckhead street.

But on the tape, Ms. Weldon also said Hammond had shot to death Gwendale Turner, 24, because he had "tried to come on to me." Mr. Turner's body was found Aug. 21, 1988 — slightly more than a month after Miss Love's disappearance — on Oglethorpe Avenue in College Park.

In her GBI statement, given July 22, 1989, Ms. Weldon, a 34-year-old former stripper who says she was with Hammond the night Miss Love disappeared, also charged that Hammond had abducted and assaulted a Virginia Highland woman. The woman was left for dead in the same northwest Atlanta dumping ground where Miss Love's body was found last August.

Mr. Wehunt said he was prepared to have Hammond testify about the Turner killing, and that Hammond would blame it on Ms. Weldon.

Please see STRATEGY, C6 ▶



Joey Ivansco/Staff

r to his aquarium after the water in
he Inman Court apartments.

"I didn't think this thing was
out," said Bertha Goodwin
Ben Smith III



James C ter
Charge o hit-and-run deaths

met with Mr. Hollingshed 18

Mr. Hollingshed reported that he "inquired at almost every contact as to his drinking and counseling. Mr. Chester denied alcohol use and always reported that he was attending counseling."

Mr. Hollingshed also reported that Chester "never smelled of alcohol or showed any outward signs of any alcohol use. He always reported with appropriate dress, hygiene and speech and always appeared to have a good attitude."

tal spending

TE NEWS, SECTION E

Another controversial project, a municipal garbage incinerator, would cost about $214 million. More than 800 people turned out Feb. 15 to protest a landfill on Pitner Road in west Cobb, and residents have said an incinerator will face an even tougher fight.

County officials are awaiting the results of several solid waste studies before committing to the incin

A itional $424 million would spent to upgrade and expand the county's water and sewage-treatment facilities. projects would include

nue about 6 p.m., the friend told police, when one of the men they met there pulled a gun and shot Michael.

Atlanta homicide Lt. Danny Agan said Michael's friend said he drove him back to the friend's house at 1821 Lakewood Ave. and put him on the front porch, where he died.

The victim's stepfather, Roy Richards, said Michael had been working for a roofer the past seven or eight months.

While police were at the scene of that death, they were called to 820 Humphries St., where they found Tyrone Duffey, 17, of 801 Tift Ave. dead in the back yard, Lieutenant Agan said.

Witnesses told police the victim was ambushed by a man with a shotgun. He ran about 70 yards before collapsing and dying, Lieutenant Agan said.

Sandra McIntosh

Strategy:

▶ Continued from C1

Assistant Fulton County District Attorney William L. Hawthorne III was baffled by the strategy behind the disclosures.

"It is a defense tactic that befuddles the minds of the prosecution," he said.

Mr. Hawthorne said the College Park killing is an open case and that prosecutors are waiting to see whether jurors impose the

and her four children from Hammond's death threats. She has said that she made Hammond and his cousin, W. Maurice Porter, drop her off later that night and did not learn until early the next day that Miss Love had been killed.

Ms. Weldon testified that Hammond pulled Miss Love into the car when her car ran out of gas and she refused a ride. She said she and Porter tried unsuccessfully to withdraw money from bank machines on Miss Love's cards while Hammond kept Miss Love behind a northwest Atlanta school building.

Porter, who pleaded guilty in November to murder, rape, kidnapping and armed robbery, has not been sentenced and is expected to testify against Hammond, who police contend fired the fatal shot.

Ms. Weldon also testified that Hammond took a pair of diamond earrings from Miss Love, which they pawned for $140, then later complained, "I didn't get a damned thing from that lady, and I took her life."

At one point, Ms. Weldon said, Hammond told her that he picked white women as his victims because "white women have money and bank accounts."

Hammond's lawyer contends that Ms. Weldon and Porter killed Miss Love. Pressed on that

Retired Fulton inspector

Mr. William L. Pharr Sr. of East Point, a retired electrical inspector for Fulton County, died Monday at South Fulton Hospital. He was 75.

The funeral will be at 1 p.m. today at Howard L. Carmichael and Sons Funeral Home with burial at Greenwood Cemetery.

Mr. Pharr, a native of Atlanta, was in the Marines in the South Pacific during World War II. He was a member of St. Mary's Episcopal Church.

Surviving are two sons, William L. Pharr Jr. of Smyrna and Larry A. Pharr of Marietta; a daughter, Linda Hamilton of Jonesboro; three sisters, Irma Harris of Fayetteville, Lillian Jones of East Point and Betty Pharr of Atlanta; eight grandchildren; and two great-grandchildren.

Miss Edna Cooper
Salvation Army officer

JACKSON, Ga. — Miss Edna L. Cooper of Jackson, a former Atlanta and a retired brigadier in the Salvation [illegible] died [illegible] at

Miss Cooper, a native of Saline County, Ark., enlisted in the Salvation Army in Atlanta in 1928 and worked in Georgia, Alabama, Tennessee and Kentucky. She retired in 1966.

Surviving are two brothers, V.M. Cooper of Orlando, Fla., and O.P. Cooper of Jackson, Ga.; and two sisters, Rachel Hall and Iris Baker of Jackson.

S.M. Inman School secretary in Atlanta, died Friday at Southwest Texas Methodist Hospital. She was 68.

The graveside service will be at 1:30 p.m. today at Crestlawn Memorial Park in Atlanta.

Surviving are a son, Maxwell Ivey Jr. of Asheville, N.C., a brother, Charles W. Harris of Avondale Estates; and a sister, Louise Clark of San Antonio.

Funeral Notices

ANDERSON

Mrs. Bessie H. Anderson of 1021 Wylie St., S.E. departed this life on Sunday, February 25, 1990. She is survived by daughters, Mrs. Betty Mills of Florissant, Mo., Mrs. Annie Norris of Decatur, Ga., Ms. Doris Anderson of Atlanta, Ga., daughter and son in law, Mr. and Mrs. Raphael (Patricia) Ogunsusi of Decatur, Ga.; sons, Mr. Fred Anderson of Atlanta, Ga., Mr. Frank Anderson of Indianapolis, Ind., son and daughter in law, Mr. and Mrs. Isom Henry Anderson of Folsom, Calif.; two sisters in law, Mrs. Mae Holt and Mrs. Rosa Holt; 14 grandchildren, 10 great grandchildren, nieces, nephews, cousins, and many other relatives and friends are invited to attend the funeral services Thursday, March 1, 1990 at 12 Noon from the Ralph Mc[illegible] Rites, S.E. Interment will be [illegible] Cemetery. The family will receive friends from 6 to 8 p.m. Wednesday evening at the funeral home.

BARNES

Mr. Gerald F. Barnes, Jr. died February 27, 1990. He is survived by his wife Mrs. Kathleen Barnes, daughter Mrs. Lynn B. Wright, Shady Dale, Ga., grandson Mr. Russell Wright. Funeral services will be held Thursday afternoon at 2 o'clock at the chapel of A.S. Turner & Sons. Rev. E.G. Hutchings, Jr., will officiate. Interment, Floral Hills Memory Gardens. Family will receive friends from 7:30 until 8:30 Wednesday evening at A.S. Turner & Sons.

Continued on Page C7



B 28 1990



Rep. Johnny Isakson
Requested the provision

Bill allows DUI charges for any trace of drugs

By Richard Whitt
Staff writer

A motorist with any trace of marijuana or other illegal drug in his blood or urine could be considered guilty of drunken driving under an inconspicuous provision of a House bill passed by the Senate Monday.

In a session already marked by anti-drug fervor, the zero-tolerance measure is among the most far-reaching.

A motorist would not have to be impaired from drug use to be found guilty of driving under the influence, said Sen. Nathan Deal (D-Gainesville), explaining the provision in the Senate.



"It may very well be that marijuana may stay in the system for 30 days. But if they [drugs] are in your system, I don't want you driving down the wrong side of the road at me," he said.

The bill now goes to a House-Senate committee to resolve differences over other sections.

The zero tolerance provision would not alter state laws regarding alcohol and driving. Drivers with a .10 percent blood-alcohol ratio can automatically be found guilty of DUI.

The anti-drug measure was buried in a 383-page House revision of the state's motor vehicle laws, added at the request of Rep. Johnny Isakson (R-Marietta) while still in the House.

Mr. Isakson, a GOP candidate for governor, said prosecuting attorneys suggested the amendment.

One opponent, Sen. Gary Parker (D-Columbus), said the statute could result in convictions of non-drug users.

"If you went to The Omni for a concert and someone was smoking marijuana, you could get it in your system. Then they could charge you with DUI," he said.

Says Hammond called Love slaying 'execution style'

By D[illegible] Riner
Staff w[illegible]

W. Maurice Porter had known Emman[illegible] never had seen his dark side until Hammond grabbed a screaming Julie Love from a Buckhead street.

"It was like his eyes had just changed," the 20-year-old Porter told a Fulton County jury. "The brown part got smaller, and there was more white. His teeth were sort of gritting. I didn't know him."

Porter, awaiting sentencing after pleading guilty to felony murder, armed robbery and rape charges in the Love case, gave jurors a detailed account of events leading to Miss Love's death in a wooded northwest Atlanta dump on July 12, 1988.

"She was saying, 'No. Don't do it.' He said, 'Shut up or I'll kill you right now.'"
W. Maurice Porter

As he outlined details of the torture and slaying, Miss Love's father, stepmother, brother and stepbrother stared blankly at him.

Porter said Hammond, 24, killed Miss Love with a blast in the head from a sawed-off shotgun he had used twice before that night to beat the diminutive 27-year-old children's exercise teacher.

The witness, an eighth-grade dropout who is Hammond's cousin, said Hammond, a few hours after the killing, said, "You should have seen how I did it — execution style."

[illegible] testified that he drove Hammond and Miss Love to a remote spot on Grove Park Place, where Hammond took Miss Love "down in some bushes." He said, "I heard a gunshot go off. I just stood there and dropped my head."

When he next saw Hammond, he said, he had "blood spots" on his face. "Did you do what I think you did?" Porter said he asked Hammond, adding, "He said he had to."

Porter also used a mannequin to re-enact how he and Hammond had bound Miss Love with coat hangers when she was in the car.

Porter said Miss Love was forced to lie face-down on the back seat of Hammond's car while Hammond bound her feet and hands, then tried to strangle her with another hanger.

"He was pulling in one direction and I in another," Porter testified. "She started kicking, and she broke loose. He fought to get her under control. She was saying, 'No. Don't do it.' He said, 'Shut up or I'll kill you right now.'"

Please see LOVE, C10 ▶



Mark Kaplan, Julie Love's fiance, listens to testimony Wednesday about her death.

INSIDE

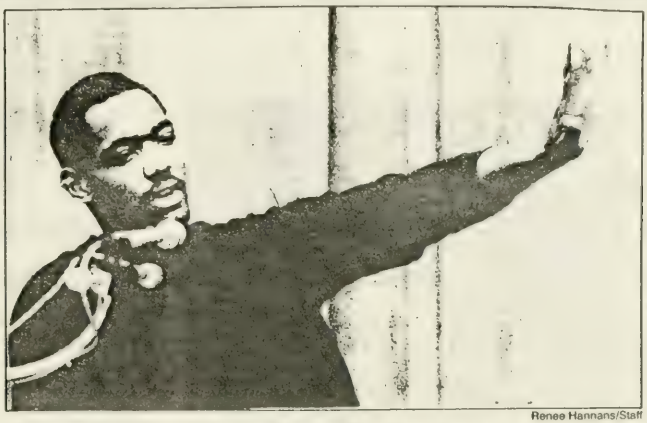
▶ Attorney, judge threatened C10



Staff photos by Renee Hannans

Maurice Porter (left), with help from prosecutor William Hawthorne, shows how he and his cousin Emmanuel Hammond used coat hangers to bind Julie Love.

The lowdown on | Exchanging one culture for another



Renee Hannans/Staff

Phillip Williams, Emmanuel Hammond's former cellmate at the Fulton County Jail, testifies that Hammond offered to pay him to kill Janice Weldon, Hammond's ex-girlfriend

Lover Witness describes events leading to slaying

► Continued from C1

Porter said it was Hammond who first spotted Miss Love walking along the street and offered her a ride. Her car had run out of gas.

Miss Love declined, but Hammond [illegible] made up his mind.

"He jumped out and grabbed her," Porter said. "I saw a sawed-off shotgun I hadn't seen before."

As she was being pushed into the back seat of Hammond's car, Porter said, Miss Love screamed, "'Don't hurt me. Please, don't hurt me.' I heard a thumping sound, and I turned around and Hammond was hitting her in the back with the gun."



Emmanuel F. Hammond



Julie Love

Porter said Hammond threatened to kill him and Janice Weldon, Hammond's girlfriend at the time, if they spoke of the murder. Ms. Weldon was in the car with Hammond and Porter when Miss Love was kidnapped, but Ms. Weldon has testified that she had been dropped off at her apartment before the slaying. Ms. Weldon, a 34-year-old former stripper, testified earlier in the trial.

Earlier Wednesday, a former cellmate of Hammond's testified that Hammond offered [illegible] nice for $20,000, and he was going to give me a car and help me get a job," said Phillip Williams, who was in the Fulton County Jail on drug and parole violation charges.

Williams, who shared a cell with Hammond in August, shortly after Hammond was arrested on assault charges filed by Ms. Weldon, said he did not know at the time that Hammond had been linked to the slaying of Miss Love.

Death threat prompts tighter security

Already tight security at the trial of the man charged with killing Julie Love will be strengthened today because of a death threat sent to the defense lawyer and the presiding judge.

Courthouse sources said a letter from a group calling itself A.R.M. was mailed from Atlanta and opened Wednesday by a secretary in the office of William A. Wehunt, one of Emmanuel F. Hammond's lawyers.

The letter threatened to kill Mr. Wehunt, a member of his family and Fulton Superior Court Judge Ralph H. Hicks if Hammond, 24, was not convicted and sentenced to die, sources said.

Judge Hicks confirmed that the one-paragraph letter was brought to the courthouse [illegible]



Ralph H. Hicks
Fulton Superior Court judge

on Wednesday sealed the names of jurors as a precaution. [illegible]

warned, "If you don't think we're serious, call up Judge Vance's widow."

Judge Robert S. Vance, a member of the 11th U.S. Circuit Court of Appeals, was killed in December when he opened a mail bomb sent to his Alabama home. A Savannah civil rights lawyer also was killed by a letter bomb.

The FBI does not believe the A.R.M. letter was written by the mail bomber, whose letters are identifiable by a code that has not been made public.

Twelve sheriff's deputies have been added for the Love trial security, and bomb-sniffing dogs search the courtroom each morning. In addition, a metal detector has been erect-

Group seeks [illegible] says workers

By Lorri Denise Booker
Staff Writer

They are called urban migrant workers, modern day slaves or simply the working poor. They line the streets outside labor pools, waiting for an eight-hour shift at a worksite they may never see again.

And at the end of the day, many cash a paycheck for $18, buy a meal and a MARTA card and make their way back to a homeless shelter in the city.

A new organization, the Atlanta Coalition for Labor Pool Reform, has been formed to advocate reform of the labor pool system. The group includes the Open Door Community, the Task Force [illegible] Atlanta Legal Aid Society [illegible] fice will investigate complaints about labor pools at the request of Mayor Maynard Jackson.

Labor pool employees speak of unsanitary buildings, unethical business practices and low pay, though pool managers deny such allegations.

"This is a revolution in Atlanta," said Ed Loring of the Open Door Community. "This is the first time this story's been told. You go out and talk to white, middle-class people and their mouths hang open. They've never heard [illegible]

At [illegible] representatives of the coalition plan to discuss issues with city officials and business and religious leaders. Atlanta has the third highest number of labor pools in the country, behind Chicago and Dallas.

"We're not trying to close down the labor pools," said Jerome Eppinger, coordinator of city and county shelters in Fulton County. "We are trying to appeal to them to reform. We have to educate people to what's going on."

At a planning conference this week, workers who regularly use labor pools outlined the conditions they face each day. Most work two days a week for minimum wage at manual jobs such as hauling, packing and cleaning. But their paychecks are eroded.

Take A Personal Look At A Career In Public Service



newsbriefs

)00 worth of crack seized

eld without bond on drug traf- ure of more than 1 900 pieces of 38,000, authorities said /Cobb/Smyrna Narcotics Units on South Cobb Drive in Smyrna

lation of the state's Controlled 1350 Mayson Turner Road; Paul h of 1620 Hollywood Road; and hey were being held in the Cobb

g its first anniversary

proaching its first anniversary ble for the fourth and final sur-

day to participate in the fourth s the first important benchmark

under the supervision of scien- n in Washington and research-

rash may have been racing

who may have been racing with led Thursday morning when her a parked tractor-trailer, Cobb

Jaymi Turner of 2604 Kellogg the scene near Wade Green

black seeking state office

ore than 225,000 votes statewide he will run for the state Public s year. Mr. Smith would join for- who is running for governor, as office in 1990.

s running statewide, they can't Mr. Smith said in announcing

said he will seek the PSC er Billy Lovett, who is running A second PSC seat also will be drews already announcing as a peals.

percent of the vote in losing to ford in the Democratic primary.

l seized in criminal cases

is have turned over $336,911 in eight Georgia law enforcement

e presented the agencies with et Forfeiture Fund Equitable e and local agencies to receive a orfeited as the result of criminal million has been distributed to ncies under the program, based e investigation of the case.

luded $179,865 to the Camden 686 to the Clayton Police Depart- Sheriff's Department, $9,378 to artment, $8,659 to the Blooming- he Augusta Police Department, stigation and $4,435 to the Rich-

r sues over abolition of job

Love case judge bars testimony on shotgun

Witness says Hammond sold it for crack and $20

By Duane Riner
Staff Writer

Two months after the July 12, 1988, shotgun slaying of Julie Love, her accused killer sold a

ence of jurors at the murder trial of Emmanuel F. Hammond, Michael Dominic, 20, said Hammond came to his apartment with the gun in September 1988.

"He said did I want to buy a sawed-off shotgun" in exchange for "narcotics and money?"

Dominic, who lost the shotgun when police seized it later that month in a drug raid on his apartment, quoted Hammond, 24, as saying he wanted to sell the weapon because it had cut him on the hand and shoulder when he fired it.

the Atlanta property room, was brought to court by prosecutors Thursday.

But Fulton Superior Court Judge Ralph H. Hicks ruled it could not be admitted in evidence, nor could the jury hear Dominic's evidence. He granted a motion by William A. Wehunt, Hammond's defense attorney to disallow the testimony about the shotgun sale because prosecutors had not given the defense an opportunity to have it tested by ballistics experts.

Assistant District Attorney Richard Hicks said prosecutors first learned of Dominic late Wednesday when a courtroom spectator told them she was present when Hammond sold the gun.

Thursday's testimony was almost overshadowed by the judge's actions in response to two death threats aimed at himself and Mr. Wehunt.



Renee Hannans/Staff

Emmanuel Hammond at his murder trial Thursday. Outside threats against his attorney and the judge have led to increased security.

Wednesday itself ARM, or the Aryan Resistance Movement, and a message left overnight on his office answering machine both warned the lawyer and the jurist that they would be killed if Hammond is not convicted and sent to the electric chair, according to courthouse sources.

Additional sheriff's deputies were brought in to augment a heavy security force already in place.

Correspondence from ARM has been received by The Atlanta Journal-Constitution for several years. The correspondence predates the December mail-bombing deaths of a federal appeals judge and a Savannah lawyer.

The correspondence is racially, politically and religiously motivated. The writer has threatened to kill judicial and civil rights figures, but has not claimed responsibility for the recent fatal

turned over to the FBI, which does not believe they are related to the mail-bombing cases.

Judge Hicks issued a sweeping gag order late Thursday directing everyone connected with the trial to stop talking with reporters about any aspect of the case, including the witness lineup.

The order specifically barred court officials from discussing "any written, oral, recorded, mailed, telephoned or otherwise communicated threats, warnings, intimidating comments. . . ."

The judge also sealed the names, addresses and telephone numbers of jurors and any forms they filled out as part of the jury-selection process.

Before the gag order went into effect at 5 p.m., Interim Sheriff Robert McMichael said he had assigned plain-clothes deputies to guard Mr. Wehunt and Judge Hicks.

School spanking lawsuit settled

Student reportedly will receive $10,000

By Betsy White
Staff writer

been Georgia's first jury trial over school corporal punishment.

Joseph J. Crews Jr., now 16, was 8 years old when Bethune Elementary School Principal Steve McQueen paddled him for failing to do his homework.

When the boy tried to resist, Mr. McQueen gripped him tightly by the arm and attempted to strike him a second time, resulting in a spiral fracture of the boy's upper arm.

Jury selection in the case had been scheduled to begin this past

cleared the way for a jury trial. But three days before, the boy's father, Joseph J. Crews Sr., and attorneys for Mr. McQueen reached a settlement.

The Crewses' attorney, B. Michael Magda of Brunswick, said the family's desire to settle the case stemmed from "a complicated combination of things." He refused to discuss the settlement.

Mr. McQueen said Thursday he had no reaction to the settlement, which he said he had been told amounted to $10,000. The school system's insurance company will pay the settlement.

The trial was to have been the first of its kind in Georgia because, until its July 1989 ruling in Crews v. McQueen, the appeals court consistently dismissed lawsuits against educators who paddled students. The reasoning in previous cases was that state law permits corporal punishment and gives educators discretion to carry it out.

But, in a 5-to-4 decision, the appeals court ruled that a jury had the right to sort out the conflicting accounts of Joseph and Mr. McQueen and to determine whether the principal had overstepped his bounds.

In depositions filed in the case, Mr. McQueen said he was holding Joseph's wrist because the boy was trying to cover his buttocks with his hands to avoid being paddled. The boy suddenly twisted away, the principal testi-

Moody writes Bush about his bomb theory

By Gail Epstein
Staff writer

Walter Leroy Moody Jr., a Rex man under investigation in connection with two pre-Christmas bombing deaths, wrote a letter to President Bush last week suggesting he knows who is responsible for the bombings, sources said Thursday.

The FBI declined comment on why the letter was anticipated. But sources said federal agents knew Moody wrote the president in 1972 after he was convicted of illegally possessing a pipe bomb.

Bruce Harvey, one of Moody's attorneys, declined to discuss the letter beyond saying, "It involves the investigation." Moody declined comment.

about his court motions.

It is not clear exactly who Moody wants held in contempt, however, because his attorney refuses to give the newspaper's attorneys a copy of the contempt motion, filed Monday.

The newspaper's attorneys received a cover letter to the motion Thursday.

Metro & State

SECTION D

The Atlanta Journal ◻ THE ATLANTA CONSTITUTION

Woman describes abduction

Says Hammond left her for dead

By Duane Riner
Staff writer

[illegible] her throat and [illegible] graphic description Friday how she crawled out of a ditch that would later be the temporary grave of Julie Love.

The woman testified that Emanuel F. Hammond, who had abducted her from the doorstep of her apartment, stabbed her once in the neck and five times in the chest, covered her with a blanket and left after she feigned a convulsion to make him think she was dying.

"Five to 10 minutes later, I crawled out of the woods over trash, and when I got to the road I [illegible] and an older black man in an old truck took me to a clinic nearby."

The woman, who said she moved to Louisiana after her May 5, 1988, daylight abduction because she feared her attacker would return, was one of three prosecution witnesses called to bolster the case against Hammond in the kidnapping, robbery and shotgun slaying of Miss Love.

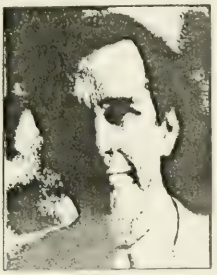
The body of Miss Love, a 27-year-old children's exercise teacher kidnapped from a Buckhead street on July 11, 1988, after her car ran out of gas, was found in the northwest Atlanta dump in August. Her skull had been shattered into 22 pieces.

As allegedly was the case in Miss Love's abduction, two of the three women who testified Friday said Hammond demanded cash from their bank accounts at automatic teller machines.

"He asked me to get out of the car and pretend like I was his girlfriend," the former Virginia-Highland woman said as she explained how Hammond took her to a bank machine. "He put his arm around me and said, 'Look natural, smile, act comfortable.'"

After the women testified, Assistant Fulton County District Attorney William L. Hawthorne III rested the state's case against the 29-year-old Hammond. The state's two key witnesses were Hammond's ex-girlfriend, 34-year-old Janice Weldon, and his cousin, W. Maurice Porter, 20, who both said Hammond was the instigator of the kidnapping of Miss Love.

Porter, who pleaded guilty to murder, [illegible] charges to avoid the penalty, will be sentenced after



"I have been contacted by the University of Virginia and have spoken t

UGA's Knapp in running for

By Steve Goldberg and Ann Hardie
Staff writers

ATHENS — The announcement that University of Georgia President Charles B. Knapp is being courted as a candidate for the presidency of the University of Virginia [illegible] dering how serious the top Bulldog might be about moving on.

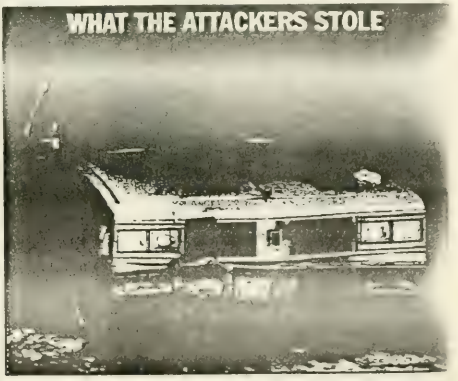
"I personally would hate to see him leave," said C.W. "Buddy" Carroll Jr., a director for the Tampa Bay and Jacksonville, Fla., [illegible] clubs. "I think he's gotten over the awkward stage all new presidents go through." [illegible] through that and he's no longer afraid of us and we're no longer afraid of him," Mr. Carroll said.

On Friday, Dr. Knapp issued a brief statement confirming that the 17,400-student University of Virginia had contacted him about the presidency, which will open this summer when the cur-

MARTA sets $5,000 re

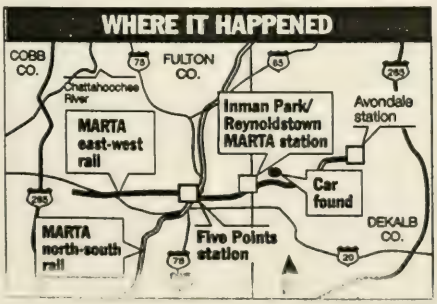
Officials say station as safe as the neighborhood — but crime no





Dianne Laskao/Sta

Neighbors say Marion Peter Roberts, shown with his wife, Cynthia, was the kind of person who would have tried to talk youths out of stealing his car, which was found Friday morning damaged but drivable.



Michelle Wise/Staff

Victim was a churchgoing family man who recently was brushed by tragedy

By Bill Montgomery
Staff writer

Deeply religious and a devoted father, Marion Peter Roberts appeared happy with life and family to his neighbors along Lynwyn Lane — walking his dog in the evening along the quiet dead-end street of modest houses.

An elder with a local Seventh-day Adventist church, which holds services on Satur- [illegible] services with his congregation and Sunday afternoons teaching Bible classes for neighborhood children in his home off Moreland Avenue below Interstate 20.

He would stroll with Cynthia, his wife of 10 years, speaking a "kindly word to everybody he met," said neighbor Homer Sharp. Sometimes, he took youngsters from the neighborhood and East Lake Meadow- [illegible]

McCaysville: Leaders optimistic

► Continued from D1

debt by accepting a government loan.

"We were barely keeping our noses above water; we need grants not loans," said Bernice Brooks, co-owner of a fabric shop, who said the business will not reopen after they complete a flood sale.

Indeed, during the past few days a volunteer disaster assistance station in a defunct auto dealership being run by the local Ministerial Association has become more popular than FEMA's center. Volunteers have been cooking and serving free meals and collecting and distributing donations of canned food, clothing, furniture, appliances and building materials.

Some optimists hope the flood will spur long-running efforts to turn McCaysville and its Tennessee twin, Copperhill, into tourist towns. The towns have suffered for years because of the closing of a nearby copper mine.

"We've got a lot of history here, the mines have been here since the 1850s. We've got the river. And there's talk of bringing the Olympics into the area in 1996," said Mr. Maloof, president of the McCaysville-Copperhill Merchants Association.

The mountain-fed Toccoa River, which flooded the towns Feb. 16, changes into the Ocoee River when it flows into Tennessee. A few miles downstream it becomes one of the most popular white-water streams in the Southeast. It would be the site of the Olympics white-water events if Atlanta is selected to host the 1996 Games.

The merchants appointed a 26-person committee Thursday to put together a request for technical assistance with Georgia Tech, the University of Georgia and the University of Tennessee to help draw up plans for the two cities. They are also searching for all possible community-development grants.

"We've got a chance to rebirth our two towns," said McCaysville Mayor Barbara Thomas. "We're divided by a state line but we've got to think 'one community.'"

Love: its case

► Continued from D1

Hammond's trial.

Miss Love's father, stepmother, brother, stepbrother and boyfriend stoically endured Friday's testimony, as they have each day since the trial began Monday.

Friday's first witness was a New York woman identified only as "Janet," who testified [illegible] Feb. 24, 1982, while another man raped her twice in the back seat.

She identified the man as Antonio Stephney, now serving a 20-year prison sentence for the rape and robbery.

She said Hammond, then only 16, commandeered her car, but later, at her plea while Stephney was out of the car, drove her to a police station.

Although defense attorney William A. Wehunt asked Fulton Superior Court Judge Ralph H. Hicks to disallow all three women's testimony, he aimed his strongest attack at the credibility of the Louisiana woman. He said she had identified another man as her kidnapper from a photo lineup and had sent an innocent woman to prison for 18 months by testifying that she was an accomplice.



Renee Hannans/Staff

Emmanuel Hammond (right) and his attorney, William A. Wehunt, confer Friday during Hammond's trial on murder charges.

Knapp: UGA's chief in running for Virginia post

► Continued from D1

Dr. Knapp has publicly expressed disappointment that the governor and Legislature limited pay raises to 4 percent in the university system and funded only a fraction of the regents' construction request.

"It gets to be trying at times when you don't get the kind of support you'd like from the leadership of the state," said Dr. Key. "The reality is we're not being supported at a level of excellence."

But not everyone on the Athens campus was as sympathetic.

"I don't think there's very extended sorrow here," said one long-time faculty member, who asked not to be identified. "There's been a growing and widespread feeling the president

tions to apply for open posts.

His statement Friday was short on specifics, and he declined further comment, except to say that he does not consider himself a candidate for the Virginia post at this point. Dr. Knapp said he was contacted by the university about three weeks ago, and that the Charlottesville, Va., school initiated the contact.

He would not say if he has been formally interviewed, if the contact occurred in person or by telephone, or if he has had further communication with the school in the past three weeks.

"I have not been offered the job, nor have I promised the University of Virginia I would accept it if it were to be offered," his statement read. "I am very happy at the University of Georgia. My principal concern at the present

eral weeks, and the initial field of 150 candidates has been narrowed to a "smaller number," said University of Virginia News Director Louise Dudley.

In a story late last month, the Richmond Times-Dispatch reported that the committee had interviewed 13 people and had narrowed its list to five or six. The newspaper reported the panel also was seeking a number of key outsiders as potential candidates, among them top officials at Harvard, Tulane and the University of Georgia.

But Edward Elson, chairman pro tem of the search committee, said there has been no narrowing-down process.

"It is somewhat flattering to the University of Georgia and the system that the University of Vir-

Obituaries

Mrs. Emily K. Pfiffner, League of Women Voters leader, rights activist

Mrs. Emily K. Pfiffner of Atlanta, a former leader in the League of Women Voters and Community Relations Commission and an early supporter of the civil rights movement, died Thursday at her home. She was 80.

She had been ill with Alzheimer's disease in recent months, a family member said.

The family will hold a memorial service at a later date. The body was cremated.



Emily K. Pfiffner

Mrs. Pfiffner, known ami[illegible]

[illegible] She was a member of [illegible] board of the Community Relations Commission from 1968 to 1974.

Emily Kniep was born July 1909, in Des Moines, Iowa, t daughter of Edward Henry Kni and Ellen Augusta Verheyd Kniep.

She graduated from the University of Illinois and also received a master's degree in psychology there. She did soc work in Chicago and in St. Lo[illegible]

Mrs. Pfiffner served on th[illegible] friend of the first woman to se in Congress.

She was a member of t Clark College Board of Visito Friends of Spelman and Frie of the Atlanta Symphony. She w a trustee emeritus of Clark C lege and a volunteer in the Unit Negro College Fund campaign.

Mrs. Pfiffner and her h band, Harry A. Pfiffner, who is tired from the construction i ness, endowed scholarshi Clark Atlanta University.

She joined in her husba work with the Butler Str YMCA, Atlanta Urban Lea and Resurgens Atlanta.

Mrs. Pfiffner helped organ the Atlanta Committee for Int national Visitors. She and husband hosted gatherings their home for government le ers, diplomats, educators artists.

She was a friend and supp er in political campaigns of mer Atlanta Mayor and ex-C gressman Andrew Young, S Wyche Fowler, former Presid Jimmy Carter and Mayor M nard H. Jackson.

"She served the Commu Relations Commission with er gy, compassion and wisdom," s Nat Welch, the commission's mer executive director. "M Pfiffner was a source of g strength for our chairmen — S Williams, Andy Young and R dolph Taylor, as well as myse

"I have never met a human ing who loved humanity as m as she did," said Herman J. H sell, chairman and presiden H.J. Russell Construction. "She gave of herself to m[illegible]

...NTA CONSTITUTION

Edition

SUNDAY, MARCH 4, 1990 $1.25

...nsion funds: 'Games' employers play

► Frequent questions about private pension plans answered A8

...ican ...nan- ...sing ...s the ...ork- ...pen-

sions at all — after years of loyalty to an employer.

The dream, in other instances, is the victim of workers who do not plan for their retirements or who fail to protect what few pension rights they have.

And Congress, despite more than a decade of lip service to "pension rights," has left workers virtually defenseless in protecting the pot of gold at the end of the job rainbow.

The pot is huge. $2.6 trillion in assets, the largest pool of investable capital in the world, as big as the gross national product of Japan, almost as big as the U.S. national debt of $2.8 trillion.

But there is no guarantee that any of it will be there when workers of any generation retire.

Employers who offer pension plans are, for the most part, unchallenged in their right to terminate pension plans

Please see PENSIONS, A8 ►

...THS LEAVE A LEGACY OF ANGUISH



John Spink/Staff

...tum, left: sister Carmen, grandmother June Martin, stepmother [illegible], father Frankie, brother Johnny

...orrow fill homes of victims' families



John Spink/Staff

Velma Deaton, Darlene Deaton's mother, rests her head on husband Bernard's shoulder.

...ughter's ...brushed ...he fam- ...her liv-

...entine's ...utiful," ...er face ...ing, and ...perfume

...way. My ...ne died

...d since ...ne Dea- ...amaine ...ent Feb. ...eems to

...story of ...been

I think about it, I get these terrible headaches," said Frankie Lamaine, a 35-year-old carpenter. "You never think something like this could happen to your kid. Christy would always call and say, 'Daddy, come get me.' Now, she's where I can't get her."

He stopped talking, pressed his fists into his eyes and leaned back into the living room sofa. His wife, Denise Lamaine, 32, sat in a loveseat, smoking cigarettes. "Logan's Run" flickered across the TV

Please see HIT-AND-RUN, A...

Hammond: '[illegible] never'

But he helped sell gun 2 say he used in slaying

By Duane Riner
Staff writer

Emmanuel F. Hammond denied any involvement in Julie Love's murder Saturday but admitted that he helped sell a sawed-off shotgun like the one witnesses said he used to beat and shoot Miss Love.

[illegible] and murder trial had seen the weapon, which an admitted drug dealer said he bought from Hammond in September 1988 — two months after Miss Love's July 12, 1988, killing — for five "rocks" of crack cocaine and $20.

Hammond, on the witness stand for the first time in the trial, insisted that the gun belonged to his former girlfriend, Janice Weldon, and that she sold the weapon.

At one point, Hammond said he was only "there with her" during the sale but then admitted, "I don't remember what I received for that, but I remember getting rid of the gun through a friend of Ms. Weldon's."

No murder weapon was found after Miss Love's body was discovered in a wooded northwest Atlanta dumping ground last August, but the prosecution's two key witnesses, Ms. Weldon, 34, and Hammond's 20-year-old cousin, W. Maurice Porter, testified last week that Hammond used a sawed-off shotgun to kill the 27-year-old children's exercise teacher.

Porter has pleaded guilty to felony murder, robbery and rape in the Love case and is awaiting sentencing.

Defense attorney William A[illegible] Wehunt used his direct examination of Hammond to elicit numerous denials of involvement in Miss Love's abduction, torture and slaying. Hammond blamed the crimes on Ms. Weldon and Porter.

[illegible]mond testified about the [illegible] after a stormy outburst by

MAR 4 1990

Two men yelli... legal" toss a gr... ma City disco, w... ple, including 1... officials say.

President Bu... Prime Minister ... accelerate effor... tensions and s... mocracy sweep...

Although post... has been minim... there is concer... get worse befor... ro's April 25 ina...

Local Commu... perate to hold ... adopt Western ... tactics as Sovi... polls.

...struck a... judge is ... pocketkni...

NASA ... shuttle Atla... early this afte... front poses a t...

The Bush ad... its transportat... calling for a n... to better roads ... but with stat... ers paying ...

...run for mayor...

Forb... with

By ... Staff writer

In a lett... death, mult... wittingly ad... about the w... The letter w... reach the of... Minn.) until ... Forbes died ... sion for brie... he would no... for him and ... the fraudul... dead people ... you can loca... from, I'll be ... 1988 book "... the last mor... people.

Going up: **Paula Abdu...** like her No... actress to h... been meeti... zine report... salivating a... the big scre... she says th... with **Arseni...**

Hammond: He denies killing Julie Love

▶ Continued from A1

tant Fulton County District Attorney William L. Hawthorne III of "prosecutorial misconduct" and slammed the gun onto the prosecutor's table.

The defense attorney demanded a mistrial and asked Fulton Superior Court Judge Ralph H. Hicks to reprimand Mr. Hawthorne for bringing the gun to the courtroom.

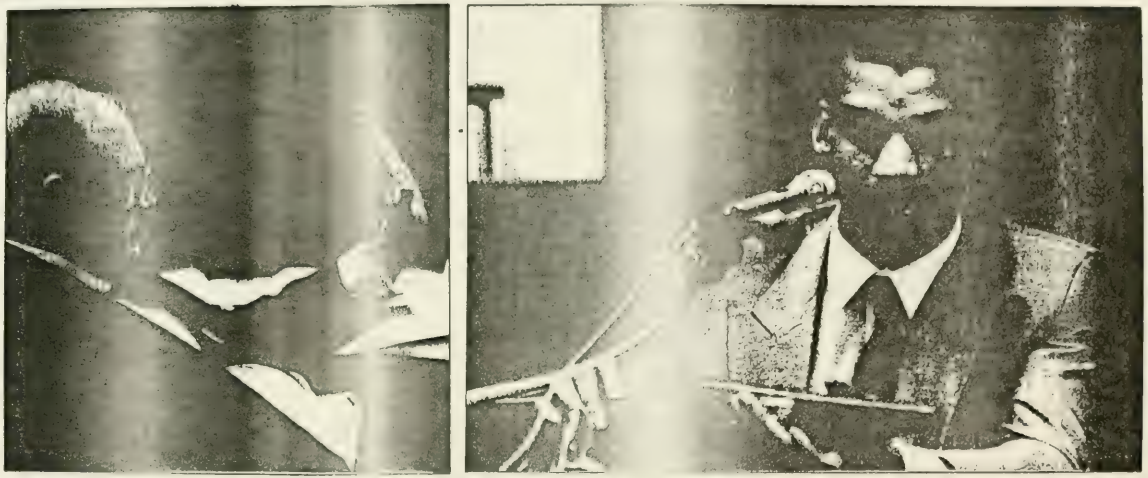
The judge had ruled two days earlier that the weapon could not be admitted into evidence.

Without explanation, Judge Hicks denied Mr. Wehunt's motions and allowed Hammond to be questioned about the gun.

District Attorney Lewis R. Slaton, who attended Saturday's 2½-hour court session, explained that the prosecutor is allowed to ask the defendant during cross-examination if he can identify the gun, even if it's not admitted as evidence.

"That's the same gun you took when you carried Julie Love to the woods on July 12, 1988, at around 4 a.m. and blew her head off, isn't it?" Mr. Hawthorne asked. "No, sir!" Hammond replied.

"Did you see how many pieces you blew her skull into?" the prosecutor asked at one point, to which Hammond replied, "I didn't do that."



Renee Hannans/Staff

William A. Wehunt (left), Emmanuel Hammond's defense attorney, signals to his client Saturday; Hammond ... ved-off shotgun he was asked to identify as the murder weapon in his trial.

Mr. Hawthorne's relentless questioning rattled the 24-year-old defendant and prompted him to protest on several occasions. At one point, Hammond asked Judge Hicks to let him leave the witness stand and talk with his attorney.

"I respect what his job is, but he keeps trying to make it look one way, so bad," Hammond said of Mr. Hawthorne. The judge allowed the request, and Hammond conferred with Mr. Wehunt for about a minute.

Although Hammond admitted his involvement in the kidnapping of two north Atlanta women in 1982, and later pleaded guilty in one of the cases, he said he first learned of Miss Love's killing through news reports. He said Porter and Ms. Welch later told him they killed Miss Love.

"I'd never commit a murder. You try to make it look one way," he told Mr. Hawthorne.

Hammond also strongly denied any connection with the July 5, 1988, abduction, robbery, rape of a third woman ... fied Friday that Hammond ... her throat with a knife ... her for dead in the same ... where Miss Love's body ... found.

Jurors took a keen interest in a bank camera's photograph of that woman standing at an automated teller machine ... man the prosecutor insisted was Hammond.

The man in the photograph wore braids, a hairstyle Hammond acknowledged wearing in the past, and had his hair cut into a widow's peak in front — a feature that marks Hammond's forehead. Mr. Hawthorne noted that the man in the picture also has a pockmarked complexion like the defendant's and that he is wearing a black shirt the woman identified in court as "just like" the one Hammond wore.

"If a person did that, he don't need to live. He should be killed," said Hammond.

Mr. Hawthorne also hammered away during his cross-examination on the fact that the ninth-grade dropout attended Grove Park Elementary School, where witnesses said Miss Love was raped, bound with coat hangers and strangled.

Fake bomb at Temple brings back Jewish community's memories of Oct. 12, 1958

By Kathy Scruggs
Staff writer

Mark R. Jacobson was an 8-year-old Sunday school student at The Temple on Peachtree Street when a bomb blew a hole in the ... of the synagogue 32 years ...

To this day, he recalls the profound impact the event had on him — as significant as Dr. Martin Luther King Jr.'s "I Have a ... 1958, as families called one another advising that Sunday school had been canceled.

Charles Wittenstein, Southern counsel for the Anti-Defamation League, was in Columbus, Ohio, that day and called his father-in-law, the late Herman Heyman, a past president of The Temple, at 1859 Peachtree St.

"He said there was a hole in the side of The Temple that you could have ... truck

"I'm amazed at this. I thought we had come a long way over the years."
William B. Schwartz
The Temple's president at time of 1958 bombing

"I'm amazed at this," said William B. Schwartz, who was president of The Temple at the time of the bombing. "I thought we had ... choir robes strewn all over the place. It was a blessing in ... place [before dawn]. It was ... day. Any type of vandalism ... worship. But we had such overwhelming support and response from the community."

The bomb caused $200,000 in damage to the assembly room, used mostly by the youth choir, and the sanctuary windows were broken, but nobody was injured, Mr. Schwartz said.

It was meant to quiet the Atlanta clergy who supported school integration, but it had the reverse affect, Mr. Jacobson said ... as something that unified the Atlanta community," he recalled. "The bomb was supposed to be some kind of a message to the clergy of Atlanta that they should not necessarily be in favor of integration of the schools. It was supposed to quell that movement.

"The Christian community and the black community all rallied to The Temple's side to help rebuild it," Mr. Jacobson said.

Bystanders see one man slain, another wounded

By Sandra McIntosh
Staff writer

An assailant pulled out a gun and shot two men Tuesday, killing one of them in full view of pic nickers and softball players in a northwest Atlanta park.

Witnesses told police that two men were strolling through Washington Park past two others sitting at a picnic table in a pavilion. The two men in the pavilion got up, fell in behind the strollers and followed them for a few yards before one pulled out a handgun and opened fire on the men ahead.

One victim was shot at least three times, once in the forehead, and died at the scene. His companion ran and was shot once, apparently in the side. But he was able to get into the passenger side of a car that sped away, witnesses told police.

The gunman and his companion fled on foot.

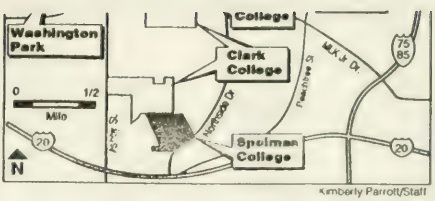
The dead man carried no identification, officers said, and late Tuesday night they had been unable to identify him.

"We've notified all the area hospitals," said homicide Investigator Tommy Townsley. "If we can find him, maybe he can explain why they were shot."

A softball player arriving for a game atthe park on Ollie Street said "We've been playing here for several years now, and we keep seeing things that we know aren't kosher, aren't quite right, but we try to ignore it, play our game, and go home. I think it's about time for the neighborhood to take back their streets."

A woman who was eating a chicken dinner in full view of the killing said, "I don't want to talk about what I saw because I want to continue to live. I want to live till my 42nd birthday."

She ran for cover when the shooting started, and when she returned she found her chicken had been stolen.



Kimberly Parrott/Staff


Emmanuel F. Hammond
Listens as judges, lawyers debate

Judge limits prosecutor's summing-up

Mentioning Love family, drug crime is disallowed

By Duane Riner
Staff writer

The judge in the murder trial of Emmanuel F. Hammond sharply restricted the prosecutor's closing argument Tuesday, barring references to the late Julie Love's family or playing on public fears about drug-related crime.

Testimony in the eight-day trial ended before noon Tuesday, but Fulton Superior Court Judge Ralph H. Hicks delayed closing arguments until this morning.

Fulton County District Attorney Lewis R. Slaton said he sometimes has agreed to tone down the rhetoric in death-penalty cases, but never before has he been limited "out of the blue" by a trial judge.

Judge Hicks, whose order drew an immediate protest from Assistant District Attorney William L. Hawthorne III, listed nine "impermissible" areas, including the prosecutor's opinion about "the death penalty in general."


Renee Hannans/Staff

Judge Ralph H. Hicks makes a point Tuesday in Fulton Superior Court. He ruled nine subject areas off-limits in the prosecution's closing argument.

If the 24-year-old Hammond is convicted of kidnapping, robbing and murdering Miss Love, a 27-year-old preschool gymnastics teacher abducted from a Buckhead street the night of July 11, 1988, the prosecutor will ask the jury to impose the death penalty.

Miss Love's body was found last August in a northwest Atlanta dump. She had been shot in the head.

Judge Hicks also ruled out the prosecutor's "personal opinion" about the validity of the state's evidence or the credibility of prosecution witnesses and any argument "concerning the comparative worth of the victim and the defendant."

Mr. Hawthorne asked the judge to reconsider some of the restrictions, including references to Miss Love's family members, who have attended every court session, and to generalities about law enforcement's battle against drugs and crime. The judge said he would allow Mr. Hawthorne to present legal arguments on those issues this

Utilities can't 'buy' [illegible] PSC decides

By David K. Secrest
Staff writer

Georgia Power Co., Atlanta Gas Light Co. and the state's other energy utilities will be prohibited from giving cash or other inducements to influence customers to hook up with them, the state Public Service Commission (PSC) decided Tuesday.

The 3-2 vote to make those practices illegal is expected to take effect next month and applies to investor-owned utilities and electric membership cooperatives (EMCs).

Some utilities have offered cash, appliances and free or reduced-rate advertising as incentives to builders, developers and appliance dealers to choose their energy source over alternatives.

"The basic thrust is to prohibit the buying of business at the expense of economy and energy efficiency," said Commissioner Gary Andrews, whose motion was supported by Chairman Bobby Pafford and Commissioner Billy Lovett.

In opposition were Commissioners Bobby Rowan and Cas Robinson, who wanted to ban payments but adopt a less restrictive policy.

The decision will have little or no effect on customers' utility bills, except for possible reductions in advertising expenses passed on to consumers.

PSC policy for years has been to exclude most promotional spending sought by utilities. For example, in its 1987 rate increase request, Georgia Power asked for $4.8 million it spent on heat pump advertising, but the commission did not grant any of that amount.

Georgia Power spokesman Tal Wright said the utility fears the proposal "may go too far and could affect such endeavors as economic development."

But Atlanta Gas Light general-

THE ATLANTA CONSTITUTION

For 121 Years the South's Standard Newspaper

Copyright © 1990 The Atlanta Constitution THURSDAY, M[illegible]H 8, 1990 [illegible]N FINAL 25 CENTS

Hammond guilty in Lo[illegible] slaying

U.S. plans upgrading labels on most foods

[illegible]stings could help [illegible]ping decisions

[illegible] Neasmith
[illegible]nal Constitution
Washington Bureau

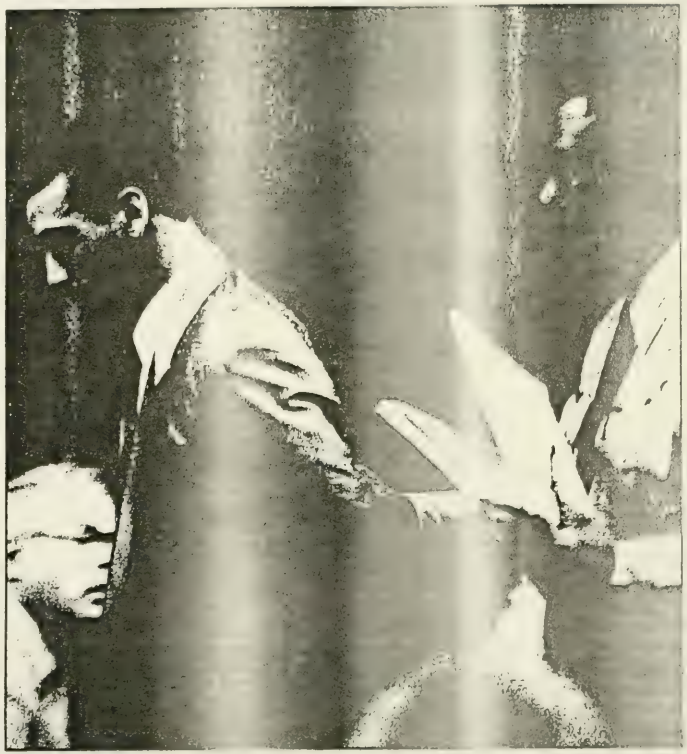
WA[illegible]HINGTON — The government will revise its [illegible]od labeling requirements [illegible] eliminate a "tower of Ba[illegible]el" that shoppers now find [illegible] the nation's grocery [illegible]helves, Health and Human [illegible]ervices Secretary Louis W. [illegible]ullivan said Wednesday.

Dr. Sullivan said the changes would include requiring food manufacturers [illegible] provide nutrition information on most foods and would standardize the definitions of terms such as "low fat" and "high fiber."

He said the new nutrition labeling requirements, the first significant changes [illegible] food labeling in 17 years, would be proposed for public review and comment within the next six months by the Food and Drug Administration (FDA).

"As consumers shop for healthier foods, they encounter confusion and frustration," Dr. Sullivan told the National Food Policy Conference. "The grocery store has become a tower of Babel.

"Some food labels are hard to read and under-



Renee Hannans/Staff

A Fulton County sheriff's deputy takes Emmanuel Hammond into custody Wednesday after a jury returned guilty verdicts on all four counts in the slaying of Julie Love. The jury deliberated for about eight hours before delivering its decision. Miss Love's body was found in 1989 after she had been missing for 13 months.

► After enduring days of testimony, Julie Love's family feels [illegible]e of relief. A19

[illegible]ict will allow victim [illegible]st,' boyfriend says

[illegible]k eight hours [illegible]find Emmanuel F. [illegible]ty of the kidnap[illegible]er of Julie Love, [illegible]end said it would [illegible]er

[illegible]man slowly read [illegible]uilty on each of the [illegible] 24-year-old Ham[illegible]l his head and [illegible]s in seeming dis-

[illegible] father and step[illegible]ed. The victim's [illegible]k Kaplan, smiled [illegible]n satisfaction [illegible]ice will rest a lot [illegible]

[illegible]27, was abducted [illegible]block of Howell Mill [illegible]July 11, 1988, after [illegible]of gas. Hammond's [illegible]end, who turned [illegible] she feared for her [illegible]r accomplice who [illegible]witness, testified [illegible]was beaten, raped, [illegible]ed with coathanger [illegible]ly killed with a [illegible]the head

[illegible]s found 13 months [illegible]later in woods in [illegible]ta.

[illegible]turns under heavy [illegible]for the sentencing [illegible]trial. For the first [illegible]rs in Fulton Coun[illegible]ution is seeking the [illegible]

[illegible]mber who killed a [illegible]nd a Savannah at[illegible]. the Love case, in [illegible]ctions and a group [illegible]the Aryan Resis[illegible]nt mailed death threats to both Fulton County Superior Court Judge Ralph H. Hicks and defense attorney William A. Wehunt. As a result, security was exceptionally strict throughout the trial and a bodyguard was assigned to the defense attorney.



Julie Love
Abducted, slain in 1988

Judge Hicks issued strict gag orders to the participants and sealed the names and addresses of the jurors.

The six-man, six-woman jury that heard eight days of grisly testimony about the final hours of the diminutive preschool fitness teacher began deliberations at 3:17 p.m.

The panel returned about an hour later with a question because Judge Hicks inadvertently skipped a few lines while reading his 35-page instruction to the jurors, who took with them copies of the charge.

Please see **HAMMOND**, [illegible]

MAR 8

Hammond: Guilty in Love slaying

▶ Continued from A1

Tension mounted as the deliberations continued past nightfall and the jury showed no indication of wanting to retire. At 10 p.m., fried chicken dinners were sent into the jury room. The families and friends of the protagonists waited in the corridor outside the courtroom — many of them eating chicken, too.

The jury filed back into the courtoom at 11:15 p.m to convict Hammond of both malice murder and felony murder, of kidnapping and of armed robbery.

Hammond, who bears the street name "Demon," leaned back in his chair after the verdicts were read and looked over his shoulder at Linda Fay Baugus, a former girlfriend, whose eyes were streaming with tears. Handcuffed in the courtroom for the first time, he stopped and nodded at the woman as he was led back to jail.

Jerry Love, Julie's father, said "We'll just wait until this thing's over" to comment.

Fulton County Assistant District Attorneys William L. Hawthorne III and Richard Hicks shook hands after the verdict. "I am obviously very pleased," said Mr. Hawthorne.

"I think the jury worked long and hard in their deliberations, and they apparently had some basis for their verdict," said Mr. Wehunt. "It remains to be seen whether the death penalty will be imposed."

In an emotional final argument, Mr. Hawthorne told the jurors that if they set Hammond free he would kill again.

"He's a brute and a beast who preys upon vulnerable women," Mr. Hawthorne said near the end of his 92-minute summation.

Mr. Hawthorne reminded the jurors of the testimony of a prison inmate, who said Hammond was with him during a 1982 kidnapping, to make a point about the safety of Fulton County streets.

"The word is out that if you want to kidnap, rob and murder, do it in Fulton County — you'll get away with it." Mr. Hawthorne



Renee Hannan/Staff

Julie Love's father, Jerry, (right) hugs Sidney Kaplan, father of Mark Kaplan (in background).

This time in c urt, Love family

By Ben Smith III and Gary Pomerantz
Staff writer

While the jury deliberated the fate of Emmanuel F. Hammond Wednesday night, bailiffs removed the wire-trussed man quin the prosecution had used represent his helpless victim.

For the final seven days of timony, the mannequin depicting Julie Love in the last hours of her life lay on the floor of Fulton County Superior Courtroom 9-C its ankles and wrists bound with wire.

Each day during the nine days of testimony, the Love family, occupying the second and third rows in the gallery, has listened to the grisly details of Miss Love's abduction and death.

At times, their tears ran freely, particularly when they watched W. Maurice Porter, who has pleaded guilty, use the dummy to re-enact how Miss Love was bound with coat hangers and how the hangers were used to try to

bers sobbing with relief

ner
Wednesday night, when ound Hammond guilty of er, they cried again — in

just real relieved," said riend, Mark Kaplan, who the massive "Have You Love?" campaign disappeared in July hink Julie will rest a lot th this. I'm just collect- oughts and I'm waiting the sentencing to say

One of Hammond's former girlfriends turned him in and testified against him. Another, Linda Fay Baugus, testified on his behalf and wept inconsolably at the verdict.

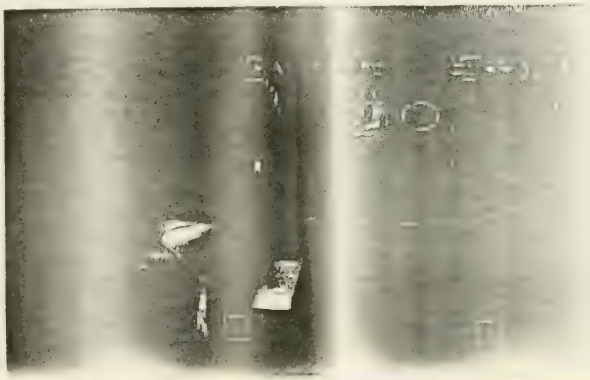
Hammond said nothing; he stopped as bailiffs led him out of the courtroom and nodded at Ms. Baugus.

Although Hammond denied he killed Miss Love, he said during his testimony, "To the Love family, I'm truly sorry for what happened."



Save 50

Think **vacation.** Make your **reservatio** hen pack up and go with **Ricardo of Beverly H** ggage.



$199 5-PC. SET

YOU COULD PAY TWICE AS MUCH FOR OUR AIR CRUISER LUGGAGE

Roomy, lightweight and long-lasting – Ricardo of Beverly Hills newest luggage group. Each piece is sturdily constructed of heavy-duty 420 denier nylon and reinforced throughout. The inside features designer print lining in peacock blue with suntan vinyl trim.

	Reg	Sale
15" Tote	$40	$20
20" Carry-on	$70	$35
25" Pullman w/wheels	$120	$60
28" Pullman w/wheels	$130	$65
44" Garment bag	$110	$55
5-pc. set as shown	$470	$199

led back to jail

Jerry Love, Julie's father, said "We'll just wait until this thing's over" to comment

Fulton County Assistant District Attorneys William L. Hawthorne III and Richard Hicks shook hands after the verdict. "I am obviously very pleased," said Mr. Hawthorne.

"I think the jury worked long and hard in their deliberations, and they apparently had some basis for their verdict," said Mr. Wehunt. "It remains to be seen whether the death penalty will be imposed."

In an emotional final argument, Mr. Hawthorne told the jurors that if they set Hammond free he would kill again.

"He's a brute and a beast who preys upon vulnerable women," Mr. Hawthorne said near the end of his 92-minute summation.

Mr. Hawthorne reminded the jurors of the testimony of a prison inmate, who said Hammond was with him during a 1982 kidnapping, to make a point about the safety of Fulton County streets.

"The word is out that if you

back on the streets.

Telling jurors that "talk is cheap," the prosecutor said action gets results. "Stand up and tell Emmanuel Hammond and the other coldblooded murderers of Fulton County that we're sick and tired of the senseless murder and taking of human life, and we're not going to take it anymore."

Hammond has offered no alibi for his whereabouts on the night of the kidnapping and slaying.

Mr. Wehunt portrayed his client as a victim of a jealous and

after he began dating another woman.

Mr. Wehunt insisted, as Hammond did in his testimony Saturday, that the former girlfriend, Janice Weldon, a 34-year-old former stripper and the mother of four children, and Hammond's first cousin, W. Maurice Porter, 20, killed Miss Love.

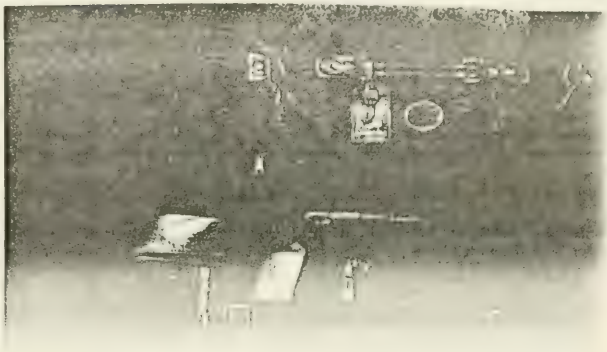
Porter testified that he stood by his cousin's car as Hammond forced Miss Love into the dump, shot her in the head with a sawed-off shotgun and returned with his face splattered with blood. Porter is expected to receive three life sentences, two of them to run consecutively and a third concurrently, for his role in the rape, robbery and murder of Miss Love.

Both Ms. Weldon and Porter testified that Hammond ordered them to try to siphon cash from Miss Love's account and became enraged when the bank machines confiscated both bank cards because Miss Love had given Hammond the wrong codes. At that point, they said, Hammond beat Miss Love for the second time that evening with the barrel of his shotgun and then bound her with coat hanger wires and attempted to strangle her before taking her to the dump.

Defending Ms. Weldon's credibility, Mr. Hawthorne told jurors it would "be great to get nuns, preachers, Sunday school teach-

recommendations are beyond reproach, but I submit to you, ladies and gentle-

Think vacation. Make your reservations with Ricardo of Beverly Hill







Metro & State

THE ATLANTA CONSTITUTION ★★★ FRIDAY, MARCH 9, 1990

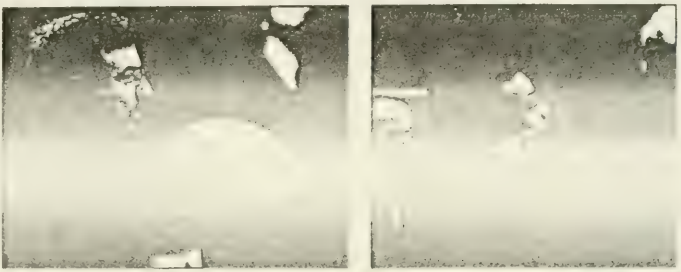
"I never. I ain't never. I don't even know this lady."

Hammond erupts as woman recalls attack

By Duane Riner
Staff writer

Convicted killer Emmanuel F. Hammond subdued throughout [illegible] days of his trial had to be restrained by his attorneys Thursday [illegible] strapped after witness [illegible] identified him as the man who attacked her during a robbery in her DeKalb County home.

The shotgun killer of Julie Love then stood and moved toward Fulton County Assistant District Attorney William L. Hawthorne III, who had asked the woman to identify her alleged attacker. Hammond said, "I don't like what you just did, Mr. Hawthorne. She sat over there looking at me all morning, staring me in the face."



Renee Hannans/Staff

Jerry Love (left), Julie Love's father, Emmanuel Hammond points as Robert Maxwell, William Wehunt try to calm him

Hammond, classified as "dull-normal" with an IQ of 83, was quickly surrounded by six deputies, and Judge Ralph H. Hicks ordered a brief recess in the sentencing phase of Hammond's death penalty trial until Hammond could be calmed and could talk with his attorney.

Charges in the DeKalb robbery and attempted rape [illegible] dropped in a plea bargain [illegible]

Thursday as the state began trying to convince the sequestered jury that Hammond, convicted of murder on Wednesday, should be electrocuted instead of being sentenced to life in prison.

The first witness, Kenneth Knighton, testified that Ham-

Please see **HAMMOND, B5** ▶



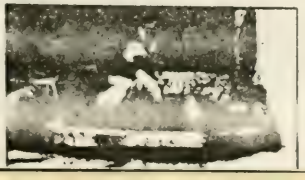
John Spink/Staff

No place to go: Harold Lovet, who says he has lived at the Union Mission for three years, admits he doesn't know where he will go after the shelter loses its lease on the Pryor Street school building.

Back on the street

Homeless shelter's lease canceled by school board

By Lorri Denise Booker
Staff writer



The Mission men's shelter lost its space a block from the Ritz-Carlton Hotel the [illegible]

'91 budget kind to prisons, roads, longtime teachers

By Rhonda Cook
Staff writer



▶ Legislative news **B3**

Longtime teachers, construction companies and commuters at two Atlanta universities were among the winners in the Legislature's state budget for next year.

The biggest loser was the Georgia World Congress Center, which didn't get money for a $69 million addition; one of the smallest was the Aviation Hall of Fame south of Macon, which didn't get $50,000.

The House and Senate are expected to give final approval today to a $7.79 billion budget for fiscal year 1991 that provides a pay boost to experienced teachers, money for new prisons and rural highways and an extra portion of building funds for the University System, including parking decks at Georgia Tech and Georgia State University.

With a push from Lt. Gov. Zell Miller, the state's colleges and universities got almost $56 million for planning and construction, about double the amount contained in Gov. Joe Frank Harris's budget request.

To help investigate and halt child abuse, the budget includes funds to hire 53 additional caseworkers and another 52 people to complete foster-adoptive home investigations.

State employees will get the 2.5 percent raises proposed by Mr. Harris when the Legislature convened in January. But the House and Senate have devised a teacher pay raise plan that would give experienced teachers up to 4 or 5 percent in raises.

The budget plan calls for 1 percent raises for beginning teachers. But teachers who have reached the top pay scale — those with at least 17 years experience — will receive a 4.6 percent raise.

Please see **BUDGET, B4** ▶

RT®

urday
convenience.

.86

Fertilizer
Charm een
8-8-8 Charm
10-10-10
EACH

ACTOR WHEELBARROW
96
MADE IN THE USA



Renee Hannans, Staff

Six deputies immediately surround Emmanuel Hammond after his outburst in court Thursday, the judge ordered a brief recess

Hammond: State argues

car during the attempted robbery of a $140 in 1986. An Atlanta police officer told jurors he later pursued Hammond in the victim's 1977 Ford Thunderbird until it blew a tire.

In addition to witnesses retelling alleged crimes against them, Mr. Hawthorne told the jury that Hammond's guilty plea in the 1982 kidnapping and robbery of a Virginia-Highland woman would be one of the "aggravating circumstances" that would

Baugus; his mother, Doris Ervin; and a former employer as character witnesses.

Mrs. Ervin said that, as a child, he often was the victim of beatings by classmates.

Jurors deliberated eight hours before pronouncing Hammond guilty of kidnapping and murdering Miss Love, a 27-year-old children's fitness teacher abducted July 11, 1988, while walking along a Buckhead street.

"outrageously vile and inhumane" treatment Miss Love endured before she was shot in the back of the head.

The prosecutor asked jurors to tell Hammond that "if you take the life of a human being in the vicious, vile and horrible manner in which he killed Julie Love that he must pay with his own life."

feared for her own life, and an accomplice who turned state's evidence, testified that Miss Love had been beaten, raped, nearly strangled with coat-hanger wire and finally killed with a shotgun blast to the head.

Her body was found 13 months later in a trash-strewn woods in northwest Atlanta.

Bank: $150,000 seized by feds

► Continued from B-1

A third bank officer closely tied to the two men is considering resignation, he said.

Arthur Benefield, chairman of the bank's board and an East Point city councilman, confirmed that he testified Tuesday before a federal grand jury investigating the case. A bank teller and security guard have been subpoenaed to appear, the source said.

The $150,000 was the second cache of money confiscated at the bank this year. On Jan. 6, federal agents found $27,100 in another safe deposit box at the bank.

The investigation by the Drug Enforcement Administration and Internal Revenue Service has widened considerably since agents began looking into a series of $350,000 loans that helped post bond for Walter Lee Freeman, a major Atlanta cocaine trafficker. The loans were arranged last year by the bank officers.

Mr. Freeman was convicted

tion and conspiracy trials, after agents seized almost $1 million and cocaine valued at $16 million from him and his organization. He is serving 15 years on state charges, awaits sentencing on federal charges and has been cited for contempt for refusing to testify in the bank investigation.

Federal agents have alleged in court documents that Mr. Freeman's attorney took almost $400,000 in drug proceeds to a Fayette County contractor and bondsman, who put the money in a safe deposit box at the bank and then arranged loans through the bank to post bond for Mr. Freeman.

Agents are not sure whether the $150,000 found in February is related to those transactions, the source said.

Chartered in 1987, the First Bank of Georgia is a community bank in East Point with assets greater than $45 million. The city of East Point maintains all its op-



Shel

MAR 9 1

loses

► Continued from

through children support a 42,000 ity. The school rent temporarily for $87.50 a mo system now wa structure for its c and adult educat

While advoc

ter space for any

"This city can single shelter sp Beaty of the Tas Homeless. "Whe community, do people to be? If business comm they've got a vis [with the homel would they do w everybody says, yard' then whe

Shelter resi were skeptical break-ins and neighbors repor board committee lowed out of the closes its doors fo Thurman Chami director of the ur

"Whenever yo this size in a resi blamed for every they can come u block area," he sa

A shelter work body on this stree vandalized by u Simmons. "This is It was wide open sion got here and open when the m

Mr. Chambers has had the buil several times an ures ranging fro $800,000. That do costs for repairs moval, he said. mentioned sellin according to Mr

weekend

RDAY, MARCH 10, 1990 SPORTS FINAL 25 CENTS

ACC

ia Tech 76, N.C. State 67

ia 92, North Carolina 85

BUZZ AT THE GAMES A2

HIGH SCHOOLS

- **BOYS SEMIFINALS:**
- AAAA: Southside 51, Riverdale 43
- AAAA: Columbia 69, SW Macon 60

Complete coverage in sports Section C

HE CHILDREN



Michael A. Schwarz/Staff

acility, which provides refuge for abused and ted children.

clear Legislature

INSIDE

egislature '90: special section wrap-ag up the session. **D1**

ward winner: ournal-Constitution eporter wins award f child abuse series. **B1**

ncluded in the package

Hammond

for murder

Father of slaying victim Julie Love calls sentence 'justice,' but a 'shallow victory'

By Duane Riner
Staff writer

the electric chair for killing Julie Love.

A Fulton County jury deliberated 4½ hours before recommending the sentence, which was imposed by Superior Court Judge Ralph H. Hicks. It was the first death sentence imposed in Fulton since 1984.

- 2 years of waiting end for Love family B1
- Prosecutor unruffled by biggest case B4

Hammond was convicted Wednesday of the July 12, 1988, slaying of Miss Love, a 27-year-old children's fitness teacher abducted from a Buckhead street after her car ran out of gas.

She was raped, bound with coat hangers and ultimately killed by a shotgun blast fired by Hammond, a 24-year-old Marietta auto repairman.

"I'm very grateful to the jury, the prosecutor and the judge for what they did, and I feel that justice was done. It's a victory of sorts, but a very shallow victory," said Jerry Love, the victim's father, before breaking into tears and walking away.

The case is automatically appealed to the state Supreme Court.

Hammond's cousins W. Maurice Porter and Hammond's ex-girlfriend, 34-year-old Janice Weldon, were the primary prose-

Water flow stops when 'heart' quits

Taps dry up in most of city for 3 hours

By Scott Bronstein
Staff writer

For three hours Friday afternoon, Atlanta toilets stopped flushing, faucets went dry, fountains faltered, and local businesses scrambled to make do.

It was the second time the city's water supply was completely shut down in recent years, highlighting the growing weakness of the city's antiquated water system.

The shut-down was a vivid awakening for thousands of city residents to an ever-aging and unstable city infrastructure.

At the downtown City Athletic Club, lunch time workouts were in full stride when the water shut down.

"We had a dozen people sweating like pigs on the raquetball courts, and 30 sweaty people in the middle of aerobics," said Karen Thomas, an accountant at the club.

"There was this mass exodus of people for the show-

MAR 10 1990



WORLD

Gen. Michel Aoun appeals for a end to Lebanon's 15-year-old civ war, making a conciliatory move Shiite Muslim leaders.

Afghanistan President

France joins Poland in

as insufficient, a German

ished after World War

two Germanys unite.

Iranian President Hashemi sanjani says that the telephone in which President Bush thought he was talking to Mr. Rafsanjani a "disaster" for Washington.

Hundreds of police backed by U.S. troops sweep through Pan City, confiscating firearms and drugs and arresting suspects

NATION

Lee Atwater has struck a blow all the garage bands of the 1960 the amateur musicians who dreamed of being rock stars.

Analysis: For the second time t year, President Bush has set goa for the nation that he hopes som one else will pay for with his nati transportation policy.

A multimillion-dollar legal wa volving charges of embezzle fraud and cocaine abuse pits and Camilla Cost, against met business manager, who cently filed for bankruptcy pro tion.

Is glasnost g in cigarette

By Chris Verner
Staff writer

Is the world ready for p ing that puffers need a new pany has launched a cigare viet President **Mikhail S. Go** chow," boasting "a taste of introduced in Geneva on F marketed next in the Unite ing to **Peter Stuber**, whose makes it. "We think people tired cowboy on an almost Stuber said, referring to th man. The name "Gorbatcho spellings of the Soviet lead ous languages. "Ba-Bush-K next.

Sentenced to die

Jury foreman calls murder of Julie Love 'outrageous and wantonly vile'

By Duane Riner
Staff writer

More than two years of painful waiting ended Friday night for the family and friends of Julie Love when a Fulton County Superior Court judge ordered Shelton

"[illegible] Glory God, and I feel that [illegible] was done," said Jerry Love, the father of the 27-year-old victim. "It's a victory, of sorts, but a shallow victory."

Miss Love was abducted from a Buckhead street on July 11, 1986. She was raped, bound with wire coat hangers and nearly strangled before she was shot once in the head. Her body was found in August 1989 in trash-strewn woods in northwest Atlanta.

In announcing the sentencing recommendation, the jury foreman [illegible] and inhuman and involved depravity of mind."

Mark Kaplan, Miss Love's boyfriend, applauded the jury.

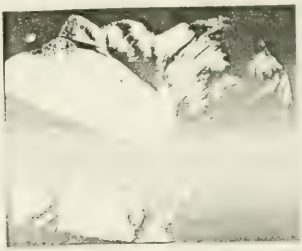
"An impartial jury, black, white, male and female, made a decision that sent out a strong sig-

Please see HAMMOND, B4 ▶

▸ The Love case: A chronology B4

▸ Prosecutor Hawthorne's biggest case B4





Renee Hannans Staff

Glinda Baugus, Hammond's girlfriend, breaks into tears as the sentence is read



Renee Hannans Staff

Emmanuel Hammond (left) listens as the jury reads its recommendation that he die in the electric chair. Jerry Love (right), father of murder victim Julie Love, is stoic as the sentence recommendation is read. He called the sentence a "shallow victory."

Countersuits chill dissent, some believe

Developers fight back when projects in peril

By Ken Foskett
Staff writer

With a $350,000 lawsuit hanging over her head, Grayson Roquemour has just invested her 14-year-old son's college money in a fight to clear her name, save her home and recov-



Jonathan Newton/Staff

Grayson Roquemour and her son, Pharron Webb, near their rural home

Desegregation experts bullish on DeKalb plan

By Robert Anthony Watts
Staff writer

DeKalb County's plan to open magnet school programs in its predominantly black south side this fall probably will prevent white flight and accomplish more long-term integration than mandatory busing, two desegregation experts said Friday.

But the 73,000-student system's most effective way of complying with a federal appeals court desegregation order might be a combination of magnet schools and limited busing, the mandatory reassignment plan," said Willis Hawley, director of Vanderbilt University's Center for Educational Policy.

Mandatory busing would result in large numbers of white families deserting DeKalb's public schools, he said.

"The white population has Gwinnett, and they'll just say, 'I'll move my kids across the line next year,'" he said.

DeKalb school officials said Thursday they plan to open eight magnet schools — special programs designed to attract stu-



Walter Cumming/Staff

TV'S NEW SOUTH: NTLER AND KINDER

ional stereotypes are finally being buried

n Wilson
Constitution

ion has long in- d a place for erners, though y one of their own ing. Beginning "The Beverly Hill- popular American he early 1960s, a shows has consis- white Southerners ant hicks.

verly Hillbillies," ated to s[illegible] de- young J[illegible] Bo- the mount[illegible], re- aming pool as the antankerous Gran-

n Wilson is asso- history and South- University of Mis- itor of the recently ppedia of Southern

ny jealously guarding her "remedy" of moonshine; and a pool table serving as a "fancy dining table," with cue sticks as "pot passers."

Until recently, such cliches typified television's portrayal of the South. But since the mid-1980s, the image of Southerners on television has changed noticeably. Such current network shows as "Designing Women," "Matlock" and "In the Heat of the Night" are depicting Southerners in more realistic terms. While these shows don't capture the diversity of the modern South, they do succeed in putting a new twist on traditional themes and stereotypes.

"Southern" characters first appeared in American culture in the early 19th century, a byproduct of rising sectional consciousness before the Civil War. Such stock figures as the Southern belle, the aristocratic gentleman, the good ol' boy and the redneck go back that far, and they have been used ever since to entertain Southerners and non-Southerners alike.

Writers first developed these stereotypes, but films set them permanently in the American imagination. The trashy Jeeter Lesters in "Tobacco Road," the amiable Burt Reynolds in "Smokey and the Bandit," the murderous rednecks in "Easy Rider," the scheming Bette Davis of "Jezebel," and the honorable Ashley and fiery Scarlett (who was once described as "J.E.B. Stuart in drag") of "Gone With the Wind" still resonate in our pop-culture world.

Television has now superseded these other media in its power to shape public opinion, and the TV image of the "silly South" has thus been a large factor in national perceptions of the region.

In the 1950s and 1960s, while television *news* conveyed images of the South as a violent and backward

Please see **SOUTH, D4** ▶

At Love trial, a compelling human drama

Lawyers, family members at center of courtroom story

By Gary Pomerantz
Staff writer

The Julie Love murder trial stirred the passions of Atlanta like few other cases of recent years, burning the airwaves and monopolizing the headlines, attracting notice from every corner of the City Too Busy to Hate.

The high profile of the case derived both from its racial overtones — a 24-year-old black man accused of killing and [illegible] a 27-year-old white woman — from the mystery over the victim's [illegible]

was a d[illegible] that could be [illegible] tators who p[illegible] the five-row public gallery during 11 days. The subplots of the trial provided electric human theater: the calculated blurring of racial lines; the gamesmanship between opposing attorneys trying one of the biggest cases of their career; and the emotional burdens of two families who shared no words, only despair.

During the eight hours of deliberations that preceded the jury's guilty verdict Wednesday night, the relatives of Julie Love and of defendant Emmanuel F. Hammond congregated separately in the hallway but stood only several feet apart. The two sides did not converse.

At one p[illegible] victim's [illegible] the defendant's father leaned against the same post, but on opposite sides.

approached the defendant for cross-examination, a whisper from one of Miss Love's friends in the gallery broke through the silence: "Come on, baby. Get him! Get him!"

The racial tensions in the case had been heightened by death threats against Judge Ralph H. Hicks and defense attorney William A. Wehunt from a group known as the Aryan Resistance Movement. Metal detectors, a video camera and several plain-clothes detectives were brought in for additional security. One [illegible] sat in the front row of the public gallery, near Mr. Wehunt, and when he crossed his left leg over his right knee, it exposed a gun stashed in an ankle holster.

But the race issue was blurred inside the courtroom. The 12-person jury comprised eight blacks and four whites. Prosecutor William L. Hawthorne III is black, while Mr. Wehunt is white. And the defendant's mother, Doris Ervin, often sat between her white husband and her son's 25-year-old white girlfriend, Glinda Fay Baugus. (Ms. Baugus was seen outside the courtroom one day reading a hard-cover book titled, "Handbook on Courtroom Evidence.")

At times during the trial, particularly during haunting testimony about how a gun blew Miss Love's skull into 22 fragments, there was a stunned silence that was penetrated by the sound of the fidgety defense attorney cracking his knuckles.

The appearance before the jury of a crude sawed-off shotgun — less than 17 inches in length from barrel to butt — might have been the most dramatic moment of all. It was a blend of theater and icy reality.

The gun never was identified as the murder weapon and previously had been ruled as inadmissible evidence by Judge Hicks. But when Mr. Hawthorne finally was permitted to place the gun in Hammond's hands, asking him to identify it as he sat in the witness chair, it served the state's chilling effect. One woman juror in the front row

Please see **LOVE TRIAL, D2** ▶

MAR 11 1990



Love trial: Haunting details, families in despair

blanched noticeably. The defense attorney protested, demanding a mistrial, but to no avail.

Hammond admitted being familiar with the gun, but said it belonged to his former girlfriend, Janice Weldon, a one-time stripper who he claimed had joined his 20-year-old cousin, W. Maurice Porter, in framing him for a murder he contended they committed (Porter has confessed to raping Miss Love and faces three life sentences).

During his closing argument, Mr. Hawthorne picked up the sawed-off shotgun and held it in front of the jury on six different occasions. That was no coincidence. Neither was it a coincidence that Mr. Hawthorne twice picked up the human dummy that had been lying on the courtroom floor for eight days, its ankles and wrists bound with metal wire to show how Miss Love spent her final tortuous moments. Both times, the prosecutor let the dummy drop to the floor, lifelessly.

Finishing with a flourish, Mr. Hawthorne alternately termed the defendant "an animal .... a brute ... a demon ... a lying, conniving con man .... despicable." His coup de grace was delivered with a sneer as he pointed at the defendant and instructed the jurors: "Give the devil his due."



Renee Hannans/Staff

Julie Love's father and stepmother, Jerry and Loretta Love, at Hammond's trial.

The family and friends of Miss Love sat in the second and third rows of the gallery and at times numbered as many as 13. Sometimes the testimony was too much for them to bear. As the state argued for the death penalty Friday, it played a tape from Miss Love's answering machine. "Julie, it's Mom. Please come to the phone right now ...." Neither the victim's father nor stepmother heard any of this, opting to wait outside the courtroom.

The Hammond contingent, which often consisted of only Mrs. Ervin and her husband, kept a decidedly lower profile, sitting in the back row of the courtroom each day. On two different occasions after adjournment, the heavily guarded defendant was allowed to speak with his mother. Both mother and son leaned over a courtroom railing, their faces only several inches apart. Two sheriff's deputies loomed nearby. Both times, Doris Ervin leaned over to kiss her son before leaving.

The tension was at its peak when Hammond was on the witness stand. As Mr. Hawthorne approached the defendant for cross-examination, a whisper from one of Miss Love's friends in the gallery broke through the silence: "Come on, baby. Get him! *Get him!*"

During the cross-examination, Mr. Hawthorne often blocked Hammond's view of his attorney, Mr. Wehunt. Consequently, Mr. Wehunt craned his neck so that his client could see [illegible] ed. As Hammond testified, Mr. Wehunt nervously moved his lips, almost lip-syncing, as a playwright might while watching a dress rehearsal.

"Mr. Hawthorne," the defendant told the prosecutor during the heated cross-examination, "you trying to make me look so bad, man." At another point, the defendant challenged a series of brutal allegations made against him by testifying, "If a person did that, they should be killed. They don't deserve to live."

In the [illegible] lery, several members of the Love family smiled at this notion. Mr. Wehunt instantly held up his hand and warned his client not to ramble. "Let him ask the questions," he told Hammond.

Hammond denied committing the murder of Julie Love. However, he testified, "To the Love family, I'm sorry for what happened."

Upon hearing this, several of Miss Love's relatives shook their heads with contempt. Jerry Love, the victim's father, only stared downward at his thumbs, which he rapidly rotated in circles.

Another Love family friend reacted more impulsively. She simply laughed out loud.

Communism: Collapse calls for political rethinking

► Continued from D1

[illegible] lls, edu- And

Hammond prosecutor's tactic questioned

Lawyers say talk of clemency could invalidate sentence

By David Corvette
Staff writer



William Hawthorne
Assistant district attorney



Emmanuel Hammond
Sentenced to death

A prosecutor's remark in final arguments — that Emmanuel F. Hammond could be paroled if given a life prison term — may invalidate the death sentence Hammond received in the torture slaying of Julie Love, criminal defense experts said Tuesday.

Hammond's murder conviction would stand, but a new jury would have to be impaneled to decide whether the 24-year-old Marietta auto mechanic should

[illegible]

days later recommended the death sentence, which the judge imposed.

In arguing for electrocution Assistant District Attorney William L. Hawthorne III warned the jury that Hammond was "too big a risk to be let back out into society. There is no life without parole in Georgia, and one day he will be a free man."

A 35-year-old state law prohibits either side in a criminal case from telling the jury that a defendant, if convicted, could be eligible for any clemency. The [illegible] failure to grant a mistrial "shall constitute reversible error."

[illegible] out of [illegible] Decatur an Atlanta attorney [illegible] has represented numerous clients facing the death penalty.

Millard C. Farmer, another veteran death-penalty defense lawyer, agreed that the prosecution's apparent violation was "good for Hammond. Hammond ought to get reversed on that."

"There are certain words prosecutors should never use in closing arguments — parole is one," said William Hill, deputy state attorney general, who until 1988 was chiefly responsible for representing the state in death [illegible]

[illegible] William A. Wehunt said Superior Court Judge Ralph H. Hicks erred in denying a defense motion for a [illegible]

In 1981 ruling the state Supreme Court affirmed that the purpose of the statute was "to prevent prosecutors from arguing, in essence, that the jury should give a more severe sentence to compensate for possible pardon, parole or other clemency. Upon objection ... a mistrial is mandatory."

All death cases in Georgia are automatically appealed to the state Supreme Court, but Mr. Wehunt said he may ask Judge Hicks for a new trial on the sentencing [illegible] cause of Mr. Hawthorne's remarks. The defense has 30 days to file post-trial motions.

Hammond remains in solitary confinement in the Fulton County Jail.

The judge declined comment Tuesday because the case is under appeal.

Mr. Hawthorne referred questions to District Attorney Lewis R. Slaton, who said his assistant's mention of parole for Hammond was a "harmless error."

"I think Judge Hicks probably cured it," Mr. Slaton said. "He told the jury to ignore it."

Mr. Keenan disagreed strongly: "There's no way to cure it. That's why the statute says a mistrial shall be granted."

Mr. Slaton, in the courtroom for closing arguments in the sentencing phase Friday, said he immediately recognized that Mr. [illegible]

death penalty case.

Mr. Farmer attributed Mr. Hawthorne's remarks to the overzealousness of a district attorney's office that hadn't won a death sentence since 1984.

"The prosecutor has the duty to be more reserved than that, and he was on a political hunt," he said. "It was like he was going for the slam dunk."

Miss Love was abducted from a Buckhead street July 11, 1988. She was raped, bound with wire coat hangers and nearly strangled before she was shot once in the head. [illegible] was found in an [illegible] in northwest Atlanta.

Staff writer David Beasley contributed to this article.



briefs

house injures five

st Park food warehouse
with minor injuries.
sh Express, 118 Forest
id Carmelita Ferrone,
s chief. They were treat-

lling debris and a fifth,
eiling, fell when it col-
supposed the worker's
a [illegible] for the

[illegible] Ashcraft Place,
[illegible]'s home Tues-
[illegible]stabbing him, said
the Atlanta Homicide
fe awoke to find the man
it was not injured, Ser-

ked the house, Sergeant
cClure said Mr. McDan-
obber as a former board-
ave issued a warrant for
the serge[illegible]d.

$495

[illegible] Court March
pear in court today, paid

rsday for comment.

14 restaurant tab

uad cars Thursday while
a $14 restaurant bill, of-

[illegible] was arrested shortly
Clayton County pursued
Clayton police Lt. Doug-

block stopped the truck,
squad car near Interstate
n squad car before stop-
rear of the truck after it

ping at Douglas jail

las County Sheriff's De-
fore a federal grand jury
ney-client conversations

dition into jail activities
Douglas County Sheriff
pping on privileged con-
ents.

Phil Miller. "We tell that
re security listening de-
equipment. We listen to
e is an escape risk or if
jail. [illegible]'s a bald-
ent convicted [illegible]s."

partment complex

looking for a blonde tod-
ge apartments fear may

couple in a blue Toyota
Rivage on Tuesday after-
. "They [illegible]

Brunswick a '10' among small cities

By Bob Harrell
Staff writer

Looking for a quality lifestyle in a small Georgia town? Brunswick may be your best bet, according to a new ranking.

Brunswick, on the coast 100 miles south of Savannah, is ranked No. 10 in 219 "micropolitan" areas whose populations range from 15,000 to 50,000 in the United States.

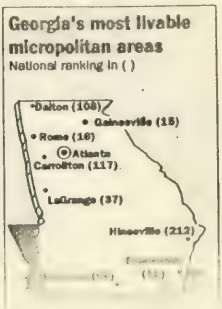
The No. 1 small community is San Luis Obispo-Atascadero, [illegible] many publications that have ap[illegible] recent years rating [illegible] and [illegible] places to live.

"A lot of people are looking at Brunswick and the Golden Isles," said City Councilman Ken Tollison, a 39-year-old native. "This is a laid-back community where I can be on the golf course in three minutes, the beach in five minutes and duck hunting in 20 minutes."

The town and island area supports a $472 million annual tourist business with 5,385 motel rooms.

Brunswick was tied with Gainesville Mayor Robert Hamrick said his town — No. 15 — was high on the list because of medical care and recreation.

No personal surveys were made of the cities ranked in the book, according to Lorraine Branski, director of Prometheus's advertising and promotion division. "The human element was not involved in judging the cities. It was all done by reading [illegible] census data and other [illegible] government figures [illegible] by [illegible]





W.A. Bridges Jr./Staff

William Maurice Porter apologizes for his role in the 1988 abduction, rape, beating and murder of Julie Love.

Second defendant in Love murder case sentenced to two consecutive life terms

By Duane Riner
Staff writer

The second man accused in the shotgun slaying of Julie Love was sentenced Thursday to two consecutive life terms for his role in the murder, rape and armed robbery of the 27-year-old children's gymnastics teacher.

William Maurice Porter, 20, escaped a possible death sentence by pleading guilty in November and testifying that his 24-year-old cousin, Emmanuel F. Hammond, was the mastermind behind the abduction of Miss Love from Howell Mill Road in northwest Atlanta.

The victim was beaten, robbed, raped and killed after her car ran out of gas on Dover Road on July 11, 1988.

Porter admitted that he raped Miss Love, but identified Hammond as the killer who marched his diminutive victim into a wooded dumping ground off Grove Park Place and killed her with a shotgun blast.

The sentence handed Porter by Fulton Superior Court Judge Ralph H. Hicks will keep the defendant behind bars for at least 20 years, according to Silas Moore, a spokesman for the state Board of Pardons and Paroles.

A jury condemned Hammond to die in Georgia's electric chair on March 9 at the conclusion of his 11-day trial. He has been transferred to Death Row at the Georgia Diagnostic and Classification Center in Jackson.

Before sentencing, Porter's mother, Annie Porter of Union City, made a tearful plea for a single life sentence instead of two consecutive life terms.

"I just want everybody to know that he wouldn't hurt anybody," Mrs. Porter told Judge Hicks. "William has always been at home. He was one of my special kids at home. He was more like the babysitter. If the garbage had to be taken out, I didn't have to ask."

Members of Miss Love's family attended the sentencing. Porter said from the witness stand that he was "sorry that it ever happened."

FBI called in over court's missing cash

By Steve Harvey
Staff writer

[illegible] of an undisclosed amount of money collected from fines and bond forfeitures in East Point's Municipal Court.

"An investigation is ongoing and we hope to resolve it very soon," said City Manager Joseph Johnson, who added that city officials met with FBI agents Thursday afternoon about the missing funds.

Mr. Johnson said the city plans to hire an auditor to examine court records, but he refused to elaborate on the extent of the audit or say how much money was missing.

However, the probe apparently was prompted by a memo that Municipal Court Judge George L. Barron sent to Mr. Johnson on Wednesday. In it, Judge Barron said an envelope containing $828 in court fines collected Feb. 11 was never deposited into the city's bank account.

Judge Barron recommended in the memo that a criminal investigation be conducted. He would not comment on the memo Thursday.

One City Hall official close to the investigation said the probe will likely center on court fines and bond forfeitures collected after business hours that are kept overnight in the police department. The funds are recorded by court officials the next day and deposited in the city's general fund bank account.

DeKalb cop, wife accused of stealing from other cops

[illegible] years [illegible] at this

James R. Caldwell

1. Durcanin, Cynthia. Girl, 12, Found Strangled at Family's... Atlanta Constitution. Aug 17, 1988; sec E, p1, col 1.
2. ---. Slain Marietta Girl Was Sexually Assaulted...Atlanta Constitution. Aug 18, 1988; sec B, p 1, col 1.
3. ---. Doctors Expect 'Full Recovery' for Stabbed Marietta Boy...Atlanta Constitution. Aug 19, 1988; sec A, p 18, col 1.
4. ---. Stabbed Marietta Boy Utters Sketchy Clues...Atlanta Constitution. Aug 20, 1988; sec D, p1, col 1.
5. ---. Slain Girls' Father Has Vanished...Atlanta Constitution. Aug 22, 1988; sec A, p1, col 2.
6. ---. Conflicting Reports Received On Slain Girl's Missing Father...Atlanta Constitution. Aug 23, 1988; sec B, p1, col 3.
7. ---. Father held In Stabbing of His Son...Atlanta Constitution. Aug 24, 1988; sec A, p1, col 1.
8. ---. Mrs. Caldwell Gives Thanks for Support...Atlanta Constitution. Aug 28, 1988; sec A, p12, col 3.
9. ---. Mood Swing, Falling Grades Puzzled Family of Slain Girl...Atlanta Constitution. Aug 28, 1988; sec A, p1, col 1.
10. ---. Marietta Stabbing Victim Leaves Hospital...Atlanta Constitution. Aug 30, 1988; sec B, p2, col 1.
11. ---. Marietta Boy Awoke to Stabbing, Court Told...Atlanta Constitution. Sep 7, 1988; sec C, p1, col 2.
12. Walston, Charles. Father to Face Murder Count in Girl's Death...Atlanta Constitution. Nov 24, 1988; sec B, p1, col 5.
13. ---. Cobb Grand jury May Get Case Today...Atlanta Constitution. Dec 7, 1988; sec C, p 11, col 1.
14. ---. DA to Seek Death Penalty For Caldwell...Atlanta Constitution. Dec 8, 1988; sec B, p1, col 1.
15. DA in Caldwell Cases Files Notice on Death Penalty...Atlanta Constitution. Dec 15, 1988; sec B, p8, col 3.
16. Caldwell Pleads Innocent in Death of Daughter, 12...Atlanta Journal. Jan 14, 1989, sec C, p2, col 4.
17. Judge in Caldwell Trial Threatens Gag Order...Atlanta Journal. Jan 28, 1989, sec C, p2, col 5.
18. Zimmerman, Linda C. Remaining Defense Motions in Caldwell Murder...Atlanta Constitution. Feb 2, 1989; sec XG, p 4, col 1.
19. Witness: DNA Test Link Father to Site of Slaying...Atlanta Constitution.

May 9, 1989; sec B, p2, col 2.
20. Walston, Charles. Witness: No Written Guidelines Used in DNA Tests...Atlanta Constitution. May 10, 1989; sec C, p 2, col 5.
21. ---. Prosecutors Finish DNA Arguments...Atlanta Constitution. May 11, 1989; sec B, p2, col 6.
22. Morris, Eugene. DNA Samples in Caldwell Cases Not Identical...Atlanta Constitution. May 12, 1989; sec E, p2, col 3.
23. Curriden, Mark. DNA Test Botched in Cobb Case...Atlanta Constitution. Oct 31, 1989; sec D, p2, col 2.
24. ---. DNA Evidence Faces Challenge with Cobb Case...Atlanta Constitution. Mar 15, 1990; sec C, p 5, col 5.
25. ---. Defense Says Move Child-Murder Trial...Atlanta Constitution. Oct 2, 1990; sec C, p2, col 3.
26. ---. Jury Selection in Caldwell Murder Trial a Tortuous Affair....Atlanta Constitution. Oct 18, 1990; sec XG, p1, col 2.
27. ---. Caldwell Jury to Come from Outside Cobb...Atlanta Journal. Oct 20, 1990; sec C, p5, col 3.
28. ---. Trial to hinge on Experts' DNA Testimony...Atlanta Journal. Jan 21, 1991; sec D, p1, col 3.
29. Son Testifies He Heard Dad Before Attack...Atlanta Constitution. Jan 29, 1991; sec D, p1, col 5.
30. Curriden Mark. Rape-Mirder Linked to Porn...Atlanta Constitution. Jan 30, 1991; sec B, p1, col 3.
31. ---. Cladwell Case Fraught with Rivalry, Delays...Atlanta Constitution. Jan 31, 1991; sec XG, p1, col 5.
32. ---. Boy Struggles with Emotional Scars...Atlanta Constitution. Jan 31, 1991; sec D, p1, col 1.
33. ---. Lawyer Harvey's Illness Postpones Murder Trial...Atlanta Constitution. Feb 3, 1991; sec E, p4, col 1.
34. ---. DNA Key in Landmark Conviction...Atlanta Journal. Feb 10, 1991; sec C, p1, col 5.
35. ---. Caldwell Gets Life in Murder...Atlanta Constitution. Feb 11, 1991; sec D, p1, col 5.
36. ---. Did Jury Compromise in Caldwell Case?...Atlanta Constitution. Feb 14, 1991; sec XG, p1, col 1.

Girl, 12, Found Strangled at Family's Marietta Apartment

Brother, 10, in Critical Condition With Many Stab Wounds

By Cynthia Durcanin
Staff Writer

A 12-year-old girl was strangled and her 10-year-old brother stabbed repeatedly in the back and left for dead Tuesday in the family's apartment in a complex near Ha... Marietta [illegible] police said.

[illegible] semiconscious son both bleeding in a bathtub, said Marietta Police Chief Charles Simmons.

Although nearly every detective in the department worked late into the night on the case, police still have no charges to be filed in the slayings.

[illegible]

The 10-year-old, Ben Caldwell, was rushed to Kennestone Hospital where he was in critical but stable condition Tuesday night following several hours of surgery.

According to police, a bloody pair of shorts was found next to the tub during the six- to eight-hour period that followed the attack. The child lost a great deal of blood, police said.

[illegible]

while their parents worked were alone at the time when the attacker entered the apartment. Police have no indication anything was taken from the apartment, but have not yet determined whether there was a [illegible]

[illegible]

Investigators roped off the unit and a Chevrolet pickup owned by Robert Caldwell, the children's father, who was called to the scene from work, Captain Buckley said. Mr. Caldwell's truck was roped off as a routine part of the investigation.

[illegible]

hours.

[illegible]

work.

At no time, clusters of residents formed outside the apartment, and parents began to talk about their fears for their own children.

It could be somebody in the complex," said John Hood, who moved into the complex Saturday. [illegible]



Lewis Grizzard

Forget the Gun, Grab a Tire Tool

Robb[illegible]obrey of the University of [illegible]a is one of the top [illegible]ed running backs in the [illegible]

[illegible]

[illegible]who's been [illegible]tooled.

Hobby Humphrey was in some sort of late-night bistro in Tuscaloosa and fell at odds with another gentleman, who settled the argument by taking a tire tool and breaking Mr. Humphrey's jaw with it.

I have no idea what the disagreement was about, but I do know that one of the quickest ways to settle an argument is to break the other guy's jaw with a tire tool. Not another person will be heard from him.

Before going any further, however, it occurs to me there may be those out there who do not know exactly what a tire tool is, and that it has a rich history as a weapon.

Normally It's for Hubcaps

A tire tool is that thing in your trunk you use when you have to change tires on your car. It's long and made out of steel and you pry your hubcaps off with it.

Not long after the horseless carriage came upon the scene, somebody invented the tire tool and it became an instant hit as something with which one could do enormous damage to others.

The first recorded tire tool incident was in Cairo, Ill., in 1917. Lon Turnstile found out his best friend, Arnold Soberdash, was fooling around with his wife, Glenda.

Lon located Arnold drinking beer in a local tavern and said to him, "Arnold, you scum-sucking pig, you've been fooling around with my wife, Glenda."

Before Arnold could speak, Lon [illegible] beer on him with a tire tool and [illegible] said it was months before Ar[illegible] [illegible] up and take solid [illegible]

It's a Sight in the Car

[illegible] late father told me of a rath[illegible] [illegible] young woman from his boy[illegible] days who were [illegible]

[illegible]

[illegible]

[illegible]

[illegible] girl asked [illegible] [illegible] with her and [illegible]

[illegible] [illegible] and beat the young man [illegible] and ended the [illegible]



Police recruits lock arms to keep abortion protesters away from the Atlanta SurgiCenter at 1113 Spring St. Tuesday. The protest, which resulted in 158 arrests, was the largest at the Midtown clinic in four weeks of demonstrations.

158 Held In Protest At Clinic

Anti-abortionists Swamp Makeshift Police Line

By Mark Sherman
Staff Writer

[illegible] their way past police Tuesday at a Midtown abortion clinic as 158 activists were arrested in the largest protest in four weeks of demonstrations.

Singing "God Bless America," the protesters overwhelmed a makeshift police line at the Atlanta SurgiCenter at 1113 Spring St. and attempted to block the entrances.

Pushing and shoving ensued as officers shifted positions in the street and on the sidewalks to keep demonstrators as far as possible from the clinic.

Several protesters breaching police lines were quickly arrested and forced to lie face down on the pavement, their hands cuffed behind them. Police also arrested several who appeared to be directing the demonstrators.

Seven protesters were charged with felonies — assaulting a police officer or obstruction of a police officer — and misdemeanors, said deputy Corrections Director Tom Pocock. The others were charged with various misdemeanors, including being party to a crime, obstructing the road and sidewalks, and giving false names, he said.

With busloads of police and corrections officers arriving to reinforce officers on the scene, authorities formed a restraining line that extended into the street. About 70 officers were at the scene.

Protesters sat where they were able, including the middle of Spring Street, just in front of the police.

ABORTION Continued on 4E

Legislative Races Promise Few New Faces at Capitol

By David K. Secrest
Staff Writer

Despite the defeat of five incumbents in last week's primary, about three-quarters of the state's legislators are safe for another two years, even though the general election is still nearly three months away.

The legislative turnover could be the smallest in years. The 57 House and Senate members being challenged in the Nov. 8 general election represent just 24 percent of the 236 total seats in the General Assembly, and most of them will be favored to return.

Only one incumbent is involved in Aug. 30 runoff balloting for seven legislative races — two Senate races, one in each party, and five Democratic contests in the House. If Rep. Ken Workman (D-Decatur) survives the runoff, he will become one of only 39 House members and 18 senators with opposition Nov. 8.

The five House runoffs, pending final certification by the Georgia secretary of state's office later this week, will be:

- Mr. Workman against Thurbert E. Baker in DeKalb County's 51st District.
- Cynthia McKinney, daughter of state Rep. Billy McKinney, against union leader Herb Mabry in Fulton County's District 40.
- Doug Teper against Holly Bates, for the DeKalb County District 46 seat being vacated by Rep. Cathey W. Steinberg to run for the Public Service Commission.
- Gail Buckner and Doug Warner for District 72, Post 4 in Clayton County to replace Rudolph Johnson, who is not running again.
- John Jaye Ellington and Fisher Barfoot in District 120 to replace Mary Ida Phillips, who decided not to run again.

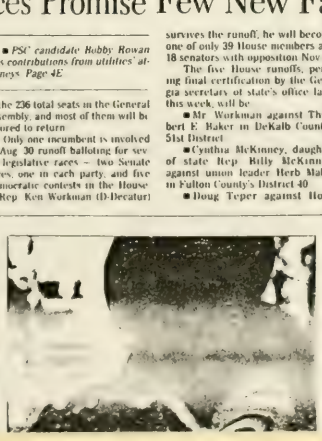
In the Senate, the Republican

RUNOFF Continued on 4E

PSC candidate Bobby Rowan gets contributions from utilities' attorneys. Page 4E.

Way Cleared For Runoff in [illegible]

[illegible] for a runoff to decide a deadlocked state legislative contest.



Eaves Closer to Serving Time With Denial of Bond

By Gail Epstein
Staff Writer

[illegible] keep [illegible] [illegible] be [illegible] to flee, [illegible] community [illegible] substan[illegible] likely to [illegible] for a [illegible] of docs [illegible] [illegible] [illegible]

Panel Horses Tax Breaks to Lure Businesses to Rural Georgia

By Brad Broaches



Runoff

From Page 1A

Abortion

From Page 1B

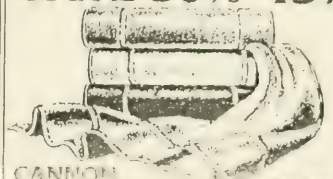
Murder

From Page 1E

Recount

From Page 1A

COTTON BATH SALE
SAVE 30%-45%



CANNON

$8.99



CANNON

$4.99

Reversible ribbed bath. White with colors. Easy care, machine wash/dry.

	COMP VALUE	SALE
17" x 24"	9.50	4.99
21" x 34"	16.00	9.99
27" x 48"	25.00	17.99
Contour	16.00	9.99
Univ. Lid	9.50	4.99



$9.99

FAMOUS MAKER
100% COTTON BATH SHEETS

Thick and thirsty all-cotton terry bath sheets in a wide selection of fashion solid colors. Machine wash/dry.

COMP VALUE	SALE
15.00	9.99

WE HAVE WHAT YOU NEED FOR BACK TO SCHOOL!
•extra long twin sheets •extra long mattress pads •blankets •laundry bags •rugs •closet accessories and much, much more.

SALE ENDS SUNDAY AUGUST 21

THE NATION'S
#1 LINEN SPECIALTY STORE
Linens 'n things

DULUTH
GWINNETT MARKET FAIR
(404) 476-9252

MARIETTA
WOODLAWN SQUARE • (404) 977-3410

Want to know a secret?

Metro & State

THE ATLANTA CONSTITUTION

Slain Marietta Girl Was Sexually Assaulted, Autopsy Results Show

Police Say She May Have Known Attacker; Brother Still Unable to Communicate





Sarah Gilreath, 12, ... Tuesday when she ...

... Plan for AIDS Help

Proposed Would Expand Medicaid Benefits in '90

By Jane O. Hansen

Georgia took a first step ...



Workers prepare a crane for the removal of a radioactive cylinder from a building at a Decatur sterilization firm. The cylinder was later encased in lead and shipped to Oak Ridge, Tenn., where it will be tested to determine if it has been leaking cesium.

Pulled From Plant In 12-Hour Ordeal

By Scott Bronstein

What scientists expected ... take four hours dragged into a ... hour ordeal inside the contain... ed containment area of a ... sterilization firm Wednesday ... crane finally pulled a leaking ... cesium cylinder out of the by...

... up at Radiation Sterilants ... HNO.

Late Wednesday night, the ... roded cylinder packed in a ... lead casket was en route by ... to Oak Ridge for determination ... if it was indeed one of the leaking ... inders that contaminated ... 25,000-gallon containment ... RSI.

The leak forced the plant ... shut down two months ago ... took state and federal author... until Wednesday to devise a ... to end a $1 million pound ... ofonitrate, and to ... the ... cylinder.

... Dan ... ...

Doctors Expect 'Full Recovery' for Stabbed Marietta Boy

By Cynthia Durham
Staff Writer

A 10-year-old Marietta boy who was stabbed in the head after a brutal stabbing last week is still not out of danger but is expected to survive without permanent brain damage, according to the physicians who treated him.

He has a long way to go, but we expect a full recovery," said Dr. Waights Henry, dispelling earlier fears that Ben Caldwell might have suffered brain damage.

The child, who survived five stab wounds and a severe blow to the head was left for dead Tuesday during an attack in which his 12-year-old sister Sarah was sexually assaulted and strangled in the family's Marietta apartment.

The case now hinges on the recovery of the boy, who on Tuesday could not identify his sister's killer, police said. He is the only person who can identify [illegible]

[illegible]

Dr. Henry, however, said he believes that the child may have been traumatized that he might be able to help in the police's investigation.

He may not remember anything, Dr. Henry said at a news conference at Kennestone Hospital held at the request of Kay and Robert Caldwell, the children's parents.

Police unsuccessfully attempted to communicate with the boy Wednesday. He is heavily sedated and when he wakes he is confused, Dr. Henry said.

As a result, Marietta Police [illegible]

[illegible]

[illegible]

[illegible]

According to Dr. Henry, Ben received five stab wounds to his neck, abdomen and back — one of which narrowly missed the heart. He also suffered a fractured knee and fractured skull, which may have been caused by a blunt object or fall.

The skull fracture poses the greatest threat to the young boy's health, Dr. Henry said.

[illegible]

[illegible]

[illegible]

Stabbed Marietta Boy Utters Sketchy Clues

In and Out of Consciousness, He's Unaware of Sister's Burial

By Cynthia Tucker



Robert and Kay Caldwell leave the funeral for their 11-year-old daughter Sarah in Marietta Friday. The sister, stabbed 17 times, [illegible]

Positions

Police Drag Off 40; Activists Vow Long Stay

By Mark Sherman



Using harnesses, workers retrieve the bodies of the three men from the 25-foot-deep manhole at a north Fulton County construction site. Methane gas is believed to have depleted the oxygen supply, suffocating the men.

Manhole

Two Die Trying to Save Co-worker in N. Fulton

By Donna Lorenz Sheats And Diane R. Stepp

3% of New Prisoners Have AIDS Virus, Study Says

By Steve Sternberg

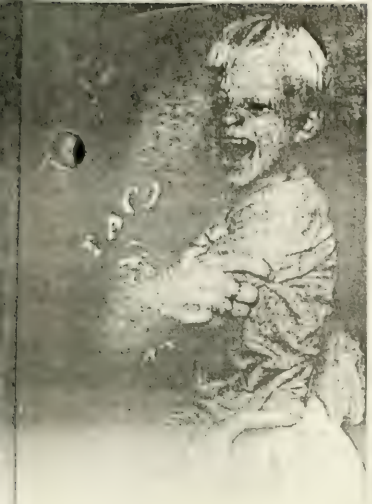
Wait for Low-Income Housing Long One for Poor in Gwinnett

For 180 on List, It Takes Months, Sometimes Years

By Wanda R. Yancey



Ga. Power Customers Set 2nd Straight Usage Mark



son, Joshua, 3, as he yells while get- County Health Center. Joshua will be Children are lining up for shots as many pediatricians are advocating a native care. See article, Page 1E.

BACK TO SCHOOL

..., Expanded Sex Education ... Metro Students Face

... metro Atlanta ... head back to the ... week, and another ... will join them in ... studies a week from ...

... County, students and ... former North Clay- ... now North Clayton ... will serve as pio- ... unty's transition ... middle schools. ... County students ... number of eight ... the first ... school con- ... that will mean clos- ... and creating 11 new ... three years ... most radical provi- ... te's 3-year-old Quali- ... lation (QBE) Act al- ... few changes in ... ilities, programs or ... it most metro-area

When Schools Start

School system	First day of class
Atlanta	Aug. 29
Buford	Monday
Clayton	Thursday
Cherokee	Monday
Cobb	Wednesday
Decatur	Aug. 29
DeKalb	Wednesday
Douglas	Friday
Fayette	Aug. 29
Fulton	Aug. 29
Gwinnett	Tuesday
Henry	Aug. 29
Marietta	Wednesday
Newton	Aug. 29
Rockdale	Monday

Sex education must be taught in grades one through 12 in every Georgia school for the first time

SCHOOL Continued on **12A**

Bush Defends Him as Senator Plans Campaign Role

By Scott Shepard
Journal-Constitution Washington Bureau

CHICAGO — With his running mate back in Washington on Sunday to "get his act together," Republican presidential nominee George Bush questioned whether anyone in Sen. Dan Quayle's generation has the moral authority to "cast the first stone" against Mr. Quayle for avoiding combat in the Vietnam War.

On the eve of a speech to the national convention of the Veterans of Foreign Wars, Mr. Bush said the 41-year-old Indiana senator has been "thrown there in the hornets' nest" for enlisting in the Indiana National Guard at the height of the war.

In comments to reporters aboard Air Force Two, Mr. Bush said Mr. Quayle, a vocal opponent of communism, did not offer to resign from ... three-day campaign swing th... and "shouldn't have."

"Let everybody in that g... cast the first stone and se... then," Mr. Bush told report... Guard is honorable service ... da... Do we condemn an ... don't think so.

"He's been thrown into ...

QUAYLE Conti...

Slain Girl's Father Has Vanished

Man Missing Since Visit To His Hospitalized Son

By Cynthia ...





... disappeared after visiting his 10-year-old son, who was questioned in his hospital room by police throughout the day about Tuesday's brutal attack in Marietta, authorities say.

Police issued a nationwide all points bulletin early Sunday after Mr. Caldwell's ex-wife, Kay, reported her ex-husband missing. Although police are concerned about Mr. Caldwell's "suspicious" disappearance, they have not named him as a prime suspect.

"We have not ruled out anyone as a suspect ...

... father is a suspect.

Chief Simmons said his primary concern was for Mr. Caldwell's safety. "We are concerned that he might do something irrational," he said.

Mr. Caldwell, 42, was last seen between 1 and 4 p.m. Saturday at Kennestone Hospital, where his son is in serious condition. According to Capt. Don Ellers, Mr. Caldwell phoned his ex-wife at 10 p.m. Saturday. Captain Ellers declined to elaborate on the nature of the call, which was placed from a location in the metro Atlanta area.

"The next call will be the most important phone call," Captain Ellers said.

While the Caldwells attended the funeral of their 12-year-old daughter, Sarah, their son, still unaware of his sister's death, began to provide police with the first clues about his ordeal. The information was sketchy, however, because the ...

MISSING Continued on **6A**

Georgian Giving Back to the La... He Loves With Forest Restora...

By John Harmon
Staff Writer

HELEN, Ga. — The tag on the front bumper of the big car says "Retired." No doubt Charles A. Smithgall Jr., 78, could easily afford to rest on the laurels of a Georgia newspaper, radio and cable television chain he built during a 50-year career and then sold.

Instead, Mr. Smithgall is spending his golden years financing and supervising what may be the largest private forest restoration project in the nation.

On almost 3,000 acres of rolling woodland at the base of the Blue Ridge M... gall, who has resided in Geo... ta, is in the third year of seeing Woods being painstakingly re... dor of a mature hardwood forest... state's mountain forest. Dukes ... suffered from logging practices t... highest-quality trees, leaving sc... and poor-grade yellow pine.

Experts say Mr. Smithgall's f... to virginlike conditions if left al... years. By using selective cutting ...

FOREST Continued

Charles A. Smithgall Jr., a former Atlanta media mogul, is financing the restoration of his 5,000-acre preserve, Dukes Creek Woods, to virginlike conditions. Part ... includes removing silt from ... trout again can flourish.

...rea Ousts ...merican ... Activists

... speeches at Rallies ...d U.S. Policy

... South Korea ...

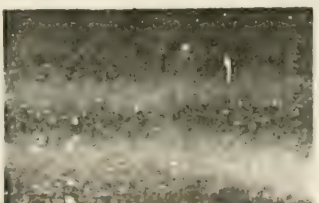
INSIDE TODAY

Earthquake: 550 Dead In India and Nepal — Page 3A

Falcons Get Jessie Hester In Trade With Raiders — Page 1D

Partly Cloudy

Partly cloudy in the metro area Monday with a slight chance of afternoon showers. High tem... (X). Details, Page 12D.



Solidarity Leaders Call ... As Polish Officials Rej...

From Wire Reports

WARSAW, Poland — Leaders of the outlawed Solidarity trade union called a strike for Monday at the big Lenin shipyard in Gdansk after the government refused an earlier offer of talks with the union's leaders to ... a wave of labor unrest.

... of coal miners ... and dock and ... the Baltic port ... continue.

Solidarity ... nik said the ... talks was mad... channels throu...

AUG 22 1988

take 30 to 40 years to complete the project that employs seven men full time and several forestry and wild life consultants. Next to the U.S. Forest Service, he is the largest landowner in mountainous White County.

When asked why he is committing so much money to an endeavor he likely won't live to see concluded, Mr. Smithgall said, "At some point, a man has to put something back. I hate to see people just take from the land and never put something back."

Stretching from the Chattahoochee National Forest to the edges of Helen, a booming resort town, Mr. Smithgall's woods also preserve a large chunk of real estate in one of the most popular vacation and retirement areas in Georgia, a place where condominiums and cabins are growing faster than the trees. Already he has spent some $12 million, most of that on land purchases that began in 1982 when he acquired the first 1,700-acre tract, and he is trying to add more.



Ed Sullivan, who works full time for the Dukes Creek project, uses the chemical Tordon RTU to poison undesirable trees after opening them with a hatchet. By using selective cutting herbicides, the natural restoration process speeded up by at least a century.

"We wish we had more Mr. Smithgalls," said Thomas M. Massengale, Southeast regional vice president for major project development with The Nature Conservancy. "He is one of the truest conservationists I've ever met."

Within a few years, Mr. Smithgall plans to open the preserve the public for hiking, picnicking and possibly camping.

"I'm trying to get [Dukes Creek] Woods] into a posture that will serve it for future generations," said Mr. Smithgall, a man who looks and acts much younger than

Missing

From Page 1A

child slipped in and out of consciousness.

By Saturday, [illegible] with detectives on Sunday, Mrs. Caldwell hurried to a car to avoid talking to reporters. "My son is better. We are thankful for that. I love the way they handled the funeral, and I'm not going to answer any more questions," she shouted out as she stepped into the car.

Chief Simmons later said, "The family is obviously distraught over what has happened."

Police spent the early morning searching for Mr. Caldwell at the cemetery where his daughter was buried, the church where the funeral was held and at the family's Roll[illegible]

[illegible] cover her children when she returned from work at 3:30 p.m. Tuesday. Police then called Mr. Caldwell, an employee at Butler Tire Co., to the scene.

According to police, Mr. Caldwell became ill outside the apartment when he arrived and had to be restrained from entering the building.



Robert Caldwell and his ex-wife, **Kay, leave the funeral of their slain daughter, Sarah, Friday.**

Police secured the crime scene and Mr. Caldwell's 1973 black Chevrolet pickup, license number QB27047. According to Captain Ellers, Mr. Caldwell's truck was enclosed with yellow police tape as a routine part of the preliminary investigation. The Caldwells also were under police surveillance dur[illegible] the first 24 hours of the [illegible]

According to police, Mr. [illegible] well left the hospital Saturday in the pickup.

At a news conference Sunday, police said they are trying to determine where Mr. Caldwell lived between 1979, when he and his wife divorced, and their reconciliation about two years ago. They had not remarried, but were living together.



EDDIE ALBERT FOR BELTONE

"Beltone had the answer to my hearing problem...find out if they can help you too!"

Beltone is offering FREE ELECTRONIC HEARING TESTS to anyone who suspects they're suffering from a gradual hearing loss, or "nerve deafness." The test is quick, painless... and it's free!

Find out if we can help you hear better and enjoy life more. Call to schedule your appointment today!

BUCKHEAD 233-3217	LAWRENCEVILLE 995-1590	GRIFFIN 229-2655	DECATUR 377-8583
CARROLLTON 836-0339	EAST POINT 768-6045	MARIETTA 422-6644	DOUGLASVILLE 489-0472
	SYMRNA 333-9098	ROSWELL 641-9087	DALLAS 489-0472

Beltone®

©1988 Beltone Electronics Corporation

MEDICAID PROVIDER



STARTS SATURDAY!

PRE-SEASON





WALTER STRICKLING/Staff

Elaine Christens places loggerhead turtle eggs in a nest in the protected Little Cumberland hatchery, a fenced compound on one of the island's giant sand dunes.

"Let's hope she's still alive," said Miss Love's boyfriend, Mark Kaplan, of Atlanta.

Sheriff Hansird noted that three other women with similar descriptions — one from Whitfield County, one from Chattanooga, Tenn., and another from Bradley County, Tenn. — also have been reported missing recently.

Sheriff Hansird said the woman had been dead three or four days, and that she was beaten around the face and head. He said there was no sign of a struggle at the scene, indicating the woman was not killed there.

Miss Love, 27, has been missing since the evening of July 11.

Doctors were performing a preliminary autopsy on the body Monday night, at Hamilton Medical Center in Dalton.

A key clue in identifying the body might be in whether it had a glass left eye, as did Miss Love. However, Dr. James K. Metcalfe, the pathologist who did the autopsy, said the decomposed state of the body prevented him from determining if it had a glass eye.

[illegible]

BODY Continued on 7B

Cutting Service, Subsidizing Taxi Rides

[illegible] treasurer of Million Cab Co. in Atlanta.

Mr. Saliba [illegible] a week of training, time and gasoline."

Cab service in Atlanta costs $1 a mile, but Mr. Saliba said discounts could be provided under a program that would allow drivers to pick up passengers at [illegible] from [illegible]

"When there is [illegible] ship, you don't want to run a bus around all the time on a regular schedule," said Mr. Brown.

Some cab company executives are less than enthusiastic about the idea, particularly [illegible] rounds.

"The [illegible] vice is only one of a [illegible] cutting measures that will be stud-

MARTA Continued on 4B



PELLY DOWNS/Staff

Stand the Heat

[illegible] ing in at a svelte [illegible] off in a pool at Zoo [illegible] when the temperature reached the upper 90s. The kodiak, among the largest land carnivores, stands 9 feet tall, whenever it wants to.

Conflicting Reports Received On Slain Girl's Missing Father

By Cynthia Durcanin
Staff Writer

[illegible] James Robert Caldwell [illegible] ing father of a 12-year-old Marietta girl who was sexually assaulted and strangled in her home last week — anywhere from Jasper to College Park.

Mr. Caldwell, 42, disappeared Saturday after a hospital visit with his son, Ben, who was repeatedly stabbed and left for dead during the same attack in which his sister, Sarah, was killed. A nationwide all-points bulletin was issued early Sunday morning after Mr. Caldwell's wife, Kay, reported him missing.

As of Monday evening, authorities still had no information as to Mr. Caldwell's whereabouts, but received at least a dozen phone calls throughout the day from people claiming to have seen the man. According to Lt. Walter Parker, the callers claimed to have seen Mr. Caldwell at a Bennigan's restaurant in College Park, in DeKalb County and in Jasper.

Meanwhile, Ben — believed to be the key to identifying Sarah's killer — has made a marked [illegible] alert and began eating solid food on Monday.

"He asked for a hamburger," Lieutenant Parker said.

Police said Ben, who was still unaware of his sister's death Monday, is beginning to remember more about the brutal attack in the family's Rolling Hills apartment.

Ben last saw his father Saturday afternoon, the same day police questioned the child about his ordeal.

In spite of his father's "suspicious disappearance," authorities said they are not singling Mr. Caldwell out as a suspect. Fingerprints taken from the crime scene, as well as fibers and hairs, are still being analyzed at the State Crime Lab, and police are still interviewing several potential suspects.

Police, however, are scrutinizing Mr. Caldwell's past in an attempt to find clues as to where he might have gone. According to Lieu-

MISSING Continued on 3C

GBI Agent Searches Reporter's Home Twice for Narcotics

From Staff Reports

An agent of the Georgia Bureau of Investigation (GBI) searched the home of an Atlanta Journal-Constitution reporter twice last week after the state received reports that someone might have planted narcotics in the newsman's home.

The inquiry grew out of reporter Duane Riner's coverage of the controversy surrounding the Ficor Group Ltd. insurance company operated by lawyer Hirsch Friedman. The firm was placed into receivership last week a few hours after Mr. Friedman resigned his position in the company he founded. Efforts to reach Mr. Friedman since that time have been unsuccessful.

After the first search, Mr. Riner said, the GBI agent called back to report he had received more specific information and asked to search again. Neither search produced any narcotics.

Attorney General Michael J. Bowers said he asked the GBI to search the home of Mr. Riner after "a confidential informant informed one of my assistants that as a result of the Ficor legal proceedings, someone might be angry with Duane Riner and might try to set him up by planting narcotics at his home.

"I referred this to the GBI, which investigated and found no narcotics," Mr. Bowers said.

The attorney general confirmed that Mr. Riner told him that Mr. Friedman, at an Aug. 3 hearing on Ficor's activities, threatened to sue him and implied that the reporter was associated with a cocaine dealer.

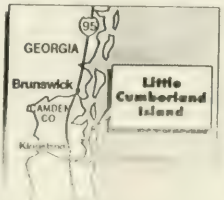
C-962
RECEIVE: Any ONE (1) Instant Qu
FREE! (up to $2.29 val
EXCLUDES FAMILY PACK
IN AD COUPON
BUY 1 INSTANT QUAK
GET $1.00 OFF ANY SC
AT THE CHECK OUT!
From Quaker Oats
BUY: Any ONE (1) Instant Quaker
PRESENT: This coupon to the cas
with purchase
RECEIVE: $1.00 OFF any school su
C-942

Loggerheads

From Page 1B

worked without pay.

"There's no salary in it," Mr. Richardson said. "Rebecca and I have never received a penny in all these years. We've never had any ...



... that c... Island's ... to lay their eggs on summer nights.

"Our turtle numbers have gone down and down every year since we started," Mr. Richardson said. "We've had two major population crashes; one between 1971 and 1973 and another a couple of years ago."

But Mr. Richardson said he has no idea what caused the numbers of nesting turtles to drop so dramatically.

Ms. Bell explained that the number of nesting turtles normally fluctuates from year to year.

She said that when the project ... About ... population had dropped into the 50s; and last year, fewer than 30 loggerheads laid their eggs on the island.

Project workers, whose hours run from dusk until dawn, patrol the beach, checking to see if the nesting turtles have already been marked with numbered metal tags. They tag turtles not previously marked for identification.

Once the turtle digs her flask-shaped nest, lays her eggs and lumbers back toward the moonlit sea, the workers carefully transport the clutch of ping-pong-ball-shaped eggs to the Little Cumberland hatchery, a fenced compound on one of the island's giant sand dunes. There, the eggs are safe from raccoons, ghost crabs and other predators.

The researchers believe the adult female ... Three ... on Little Cumberland ... summer, Mr. Richardson said.

While commercial shrimpers are not solely responsible for the steady population decline of the loggerheads, shrimp boats do contribute greatly to the problem by accidentally catching the huge turtles in their nets, Mr. Richardson said. He said the problems is especially pressing during summer months when the females head for coastal beaches to lay their eggs.

Shrimpers are required by law to try to rescue any sea turtles they catch, but shrimp boats may drag for hours and captive ... drown before they ...

... populations of ... recover," Mr. Richardson said.

This summer, Mr. Richardson and his team are studying the short-term efficiency of turtle excluder devices, called TEDs, designed to prevent loggerheads and other endangered turtles from running afoul of shrimp nets.

Many shrimpers object to the cagelike devices, saying the TEDs are bulky and dangerous. Because of protests from shrimpers in Georgia and other states, the federal government delayed its plan to make TEDs mandatory this summer, but Mr. Richardson said ...

"We're ... to see if we can't turn the corner on this beleaguered animal," he said. "The only positive line is that we're looking to the day that beach users, shrimpers, sea turtles — we can all live together and not be in conflict with each other."

Missing

From Page 1B

tenant Parker, Mr. Caldwell enlisted in the Navy following his divorce from Mrs. Caldwell in 1979, then spent several years in Key West, Fla., working a series of odd jobs.

But Lieutenant Parker said police have very little information about how Mr. Caldwell spent the years before his reconciliation with his wife two years ago.

"We don't know where to look for him. He's a loner and nobody seems to know what he did during those years .... It's a big blank," he said.

Mr. Caldwell was last seen driving the same 1973 Chevrolet pickup police secured at the crime scene on the day of the slaying. According to Capt. Don Ellers, the black truck was initially sealed off with police tape, as a routine part of the investigation. Police returned the truck to Mr. Caldwell after it was searched.

According to police, Mr. Caldwell was not under surveillance at the time of his disappearance because the 96-member force lacked the personnel to do so. "We could have placed eight or nine others under surveillance as well," Lieutenant Parker said.

Body

From Page 1B

missing seven teeth.

The body was discovered by a retired U.S. Forest Service worker, John Roy Brackett, as he drove his Jeep along the dirt highway through the wilderness area, which is popular for hiking and canoeing.

Mr. Brackett "smelled something funny, and he stopped to look around," said Greg Beavers, owner of a general ... body was f...

"He ... found a dead body. He was really scared," Mr. Beavers said.

Sheriff Hansird said he had not heard of the Julie Love case until Friday of last week, when he got a package of about 500 fliers sent by ... within a week, hundreds of volunteers who had never even met the petite young woman were plastering the city and the surrounding region with billboards, posters and fliers, many of which were donated by local businesses who wanted to help with the effort.

Miss Love was last seen when she left her weekly career meeting near Lenox Square shopping center. The young woman was wearing a peach blouse and shorts, white socks and tennis shoes.

Miss Love's 1983 red, convertible Mustang was found ... The car was spotted with its front end sticking into the street, by a friend who told Mr. Kaplan, who then notified police.

Police suspect the 5-foot-tall 100-pound woman, who lived at 109 DeArc Way in the Cross Creek con... the area.

By the end of the week, family and friends of Miss Love had posted a $10,000 reward for information leading to her safe return. Friends then walked door-to-door distributing hundreds of fliers with information about Miss Love in the neighborhood where her car was found, and combing the area hoping to find some sign of their missing comrade.

As the days turned to weeks and then to a month, with no clues to her whereabouts, police even tried investigating information provided ... found.

Know what's

Sweet
Ore-Ida
Corn on the Cob
Pkg. of 4 Ears
1.34

Wish-Bone
French Dressing
8-oz Btl
94¢

Li...
64 oz Cont

ORTEGA
Taco Dinner 1.79
Ortego
ORTEGA
Ortega Taco Shells 1.49
Cont...
Ortega

PLANTERS MIXED NUTS
Hershey Bars 1/2
Planters Mixed Nuts 3.49
Planters Cashews 6.49
Pillsbury Figurines 1.99
Mix Fruit Punch 1.99
Blackeyed Peas 37¢

BIG STAR Regular E...

For All Washable Fabrics
Clorox II
Dry Bleach
61-oz. Pkg.
2.63

Pump Spray
Clorox
Pre-Wash
16-oz Cont
1.59

Mott's Prune Juice 1.39
Quaker Gatorade 3-Pack 1.09
Armour Chopped Beef

Get this
Ton...
when you
buy any t...
of these
fine produ...

Yes Liquid
Texize Spra...
Vivid Liqui...
Pine Power
Pine Power
Glass Plus ...
Tough Act ...

ANTA CONSTITUTION

For 120 Years the South's Standard Newspaper

WEDNESDAY, AUGUST 24, 1988 SPORTS FINAL 25 CENTS

g as Jet Stream Begins to Behave Itself

- **Wednesday:** A chance of thunderstorms. High in upper 80s
- **Thursday:** A chance of thundershowers. High in mid-80s.
- **Friday:** Clear early but a chance of rain later. High in mid-80s.

— Details, Page 12C

Atlanta "The weather pattern has ly from what it had been in the sum- w in a fallish situation where cold rough We haven't seen this for sev-

already spurred a drop in temper-

Lakes and streams, especially those in the drought stricken Southeast, may take months to recover, but in terms of rainfall, more normal conditions for late summer — characterized in the Atlanta area by a pattern of afternoon and evening showers — are expected to re- vail in the coming weeks

which have alleviated much of the need for outdoor wa- tering, according to metro water officials

Atlanta received more than half an inch of rain Tuesday The official rain gauge at Hartsfield Interna tional Airport registered 0 61 of an inch The one-day total nearly equaled the official rainfall total for the en tire month of June

Verona Vicks of the National Weather Service's At lanta office said the Wednesday's forecast for Atlanta calls for temperatures in the upper 80s and scattered thundershowers

The high pressure system that hovered over the Midwest and Northeast for much of the summer has eroded, allowing cooler air from Canada to move south into the United States The atmosphere is unstable



n the Right Place

and M Wills, stu- nderg s at Re- ool in Lilburn, say the pledge of allegiance on Tuesday, the first day of school in Gwinnett. A few of the students were having trou- ble distinguishing their right hand from their left.

In Stabbing Of His Son

Marietta Man Also Suspect In Slaying of Daughter

A Marietta man who disappeared during the weekend was arrested Tuesday night shortly after au thorities charged him with stabbing his 10-year-old son and named him as a suspect in the slaying of his 12-year-old daughter

Police said J. Robert Cald well, 42, was arrested in Mari- etta at 7:30 p.m., about the same time Marietta Police Chief Charles Simmons and Cobb District Attorney Tom Charron were conducting a news conference to announce that he was a suspect in the case



J. Robert Caldwell

Mr Caldwell was arrested in an apartment at 2151 Fairar Road in Marietta, the home of Larry E. Watts, a co worker of Mr Caldwell's at the Butler Tire Co. Marietta police had received a tip about 6 p.m. leading them to the apartment, according to Chief Simmons

Mr Caldwell was arrested as he walked into the apartment by four detectives who had staked out the complex. He was being questioned late Tuesday at Marietta police headquarters

At the news conference, Chief Simmons and Mr Charron said Mr. Caldwell was charged with aggra- vated assault with intent to murder after investiga- tors interviewed his son, Ben Caldwell, at Kennes- tone Hospital, where he is recuperating from stab wounds he received last Tuesday

Mr Caldwell also is the prime suspect in the death of his daughter, Sarah Caldwell, according to Mr Charron Her partially clad body was found by her

CALDWELL 8A

purs Call for Sewer Hookup Ban

to prevent public access They said if lo- cal and state authorities refuse to post warnings, EPA should "be prepared to take immediate action" to protect public health.

Although EPA workers only inspect- ed the overflows into Clear and Tanyard creeks, they recommended that inspec- tions of all the sewer overflow points and receiving streams in the city "to de- termine if additional emergency action is needed to preserve human health."

Atlanta has seven sewage system overflows that serve nearly 15 square miles of the city When it rains, raw sew- age seeps into Clear, Tanyard, Peach tree, Proctor, Utoy and Woodall creeks all of which drain into the Chattahoo- chee

So far the city has not been notified

SEWAGE 8A

AUG 24 1988

Caldwell

From Page 1A

mother last Tuesday. The girl had been strangled with a shoelace or piece of cloth, according to a medical examiners report, and evidence indicates that she had been raped, a source said.

Ben Caldwell, who was found face-down in a bathtub, had been stabbed in the back numerous times, possibly with scissors, police said. Investigators believe that the children's mother, Kay Caldwell, left for work that morning before Mr. Caldwell did.

Mr. Caldwell was not charged with murder pending the results of laboratory tests [illegible]



[illegible] Tuesday, [illegible] unknown to police since he disappeared Saturday, the same day police first questioned Ben about the attack.

Ben, who lost about four pints of blood in the attack, had been in critical condition and did not learn until Tuesday afternoon that his sister was dead.

The warrant against Mr. Caldwell was obtained later Tuesday on the basis of Ben's statement to investigators and other evidence, according to Mr. Charron. "As a result of his conversation a warrant was taken," [illegible]

[illegible] statements are supported by other facts. "There is a lot of evidence and no inconsistencies," he said.

[illegible] something [illegible] protective custody. "If something happens to the mother, the father could get custody of the boy and we don't want that to happen," said Capt. Don Ellers.

Early Tuesday morning, Ben's mother told her son about his sister's death. Flanked by Ben's doctor and a detective, Mrs. Caldwell rested her hand on her son's arm and said, "Sarah's gone to be with God and nobody will ever hurt her again," according to Lill Anderton, Mrs. Caldwell's mother.

Through his tears, the child asked, "Mommy, do you mean Sa[illegible] Mrs. Anderton said.

Earlier in the week, Mr. Caldwell tried to lift his son's spirits by [illegible] to the hospital so that Ben could select a vehicle.

Tuesday when a nurse said "I hear you're going to get a four-wheel vehicle," Ben looked up and said, "No, not now," Mrs. Anderton said.

Mr. Caldwell's disappearance on Saturday was not the first time he had dropped out of sight, according to relatives.

"He was a good father. He just had this problem of skipping whenever the pressure got tough," said Mrs. Anderton.

Mr. Caldwell first left his wife [illegible] and was gone three months after his birth. Ben did not see his father again until 1986.

Mr. Caldwell's relatives had expressed their frustration over his disappearance Saturday. "There's a lot of unanswered questions ... an awful lot," said his father-in-law, B.L. Anderton. "And I don't know if I want to know the answers."

Mr. Caldwell's mother, Bertha Padgett, 60, said her son ran "when he was under pressure or stress." It was not unusual for Mr. Caldwell to vanish for six to seven months at a time, she said. With the exception of one four-year period, Mrs. Padgett said, "He was never gone for no more than a year."

According to Mrs. Padgett, her son dropped out of Cherokee High School at 16 and attempted to enlist in the Navy, but was rejected because [illegible]

[illegible] erty, but Mr. Caldwell started running when the close quarters got to him, she said.

"It was just like he had two wives," Mrs. Padgett said.

During one of Mr. Caldwell's absences, his wife swore out a warrant on abandonment after he failed to send home money to support their young daughter, Mrs. Padgett said.

As a result, he spent about eight months in the Cherokee County Jail, she said. Lt. T.O. Caroll of the Cherokee County Sheriff's Department confirmed that Mr. Caldwell was jailed in late 1969 and released in 1970. [illegible]

[illegible] several years ago of pneumonia and her brother obtained custody of the couple's child.

Weather

From Page 1A

caused by a passing cold front has helped trigger showers.

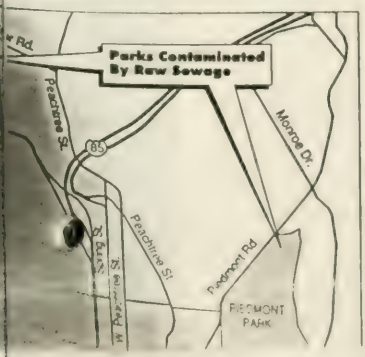
The cooler air was also reflected by frost warnings this week in Vermont, snowflakes on New Hampshire's Mount Washington, heavy rains in Iowa and a dip in Lake Erie's temperature after waters there reached a record 80 degrees last week.

Daily high temperatures were only in the 60s and 70s from the north and middle Atlantic states, across the Great Lakes and upper Mississippi Valley and into Montana.

The temperatures contrasted with scorching weather a week ago that broke records in three dozen cities in 20 states and Washington, D.C., and with summerlong heat that caused scores of deaths, including at least 45 in the Chicago area, 13 in St. Louis and seven in Texas.

For most of the summer, the eastward flowing jet stream was over Canada. Normally, the jet stream would be about where it is now — over the extreme northern United States, extending over North Dakota, dipping down a bit at the Great Lakes and out over the Atlantic Ocean in the vicinity of Boston.

The weather experts say the extensive high pressure system that lingered over the Midwest and the Northeast this summer prevented the jet stream from achieving its normal summer position.



BUY 1 GET 1 FREE
Offer expires 8-31-88
Buy 10 Get 4
100 Locations Worldwide
500,000 Closets Built
Established 1978
Double Your Closet Space
FREE IN-HOME ESTIMATES
• Custom designed
• Children's Closets
• Next Day Installation
• Fully adjustable & removable

Morning
STREET
Edition

THE ATLANTA CONSTIT

Copyright © 1988 The Atlanta Journal and The Atlanta Constitution

SUNDAY, AUGUST 28, 1988



Sen. Dan Quayle, the Republican vice presidential nominee, has stopped talking about how he got into the National Guard and how he got into law school. But his father and his colleagues are talking. His dad, an Indiana newspaper publisher, calls his son a late bloomer. Detractors say he is lazy. "I am qualified to be ... President." The Senator said.

Privilege Paved Way for Q

Indiana Senator 'Never Had to Worry' As Family Pulled Strings to Help Him

By Bill Dedman
And Scott Shepard
Staff Writers

HUNTINGTON, Ind. — As a teenager in Arizona, Danny Quayle took his first Communion as an Episcopalian but he never joined the church. He didn't want to miss ... [illegible] ... golf.

"They took a lot of time away from his golf.

During his first campaign for Congress at age 29, Indiana Republican leaders met once a week for lunch in the back room of Mother's Saloon in Fort Wayne to plan his strategy. The candidate's wife was ... [illegible] ... to the speeches. They can ... [illegible]

At ... age 33 ... his ... started ... the nom...

Thre... Danforth ... his fame... Indiana ... given a ... Dean ve... lunch bu... discuss... He ... [illegible]

Above fold:

Falling Grades Puzzled Family Of Slain Girl

Death Raises Questions On Final Year of Her Life

By Cynthia Durcanin
Staff Writer

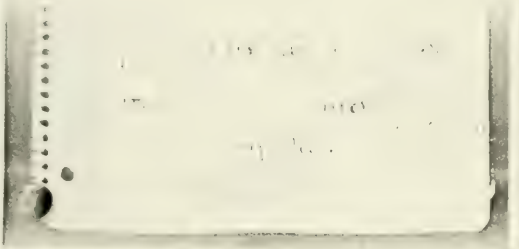
At 12, Sarah Caldwell ... [illegible] ... and ... [illegible] ... [illegible] ... [illegible]

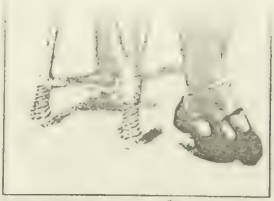


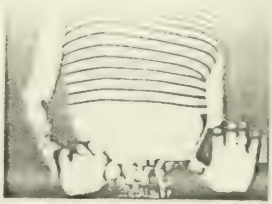












Sarah Caldwell was known as an intelligent, happy girl, who was an A student until last year. Her last poem (at left) was about the stars and the sky. By the time she was 9 years old, she was used to living in a single-parent home. Her father came back when she was 10 (top right, in Allgood Elementary yearbook photo). On July 23, she celebrated her [illegible] were [illegible]

Sarah

[illegible]

Mrs. Caldwell Gives Thanks for Support

By Cynthia Durcanin

[illegible] of loved ones, Kay Caldwell thanked the community Saturday for its support in the aftermath of an attack in which her 12-year-old daughter was strangled and her 10-year-old son was critically injured.

At a church in Ellijay, where she spoke at the 11 a.m. news conference, Mrs. Caldwell said during [illegible] and time in from this community [illegible] Mrs. Caldwell said during a [illegible] on the Wagon[illegible]

[illegible]

Her husband, J. Hudson [illegible], has been charged with [illegible] of his son and a [illegible] Both [illegible]

[illegible] Department said [illegible]

[illegible] Mr. Caldwell disappeared [illegible] was arrested three days later [illegible] ing the apartment of a co-worker.

I think he probably has a good personality where something just snaps and he doesn't know what he's doing and he just does it," Mr. Caldwell said.

He never packed any clothes and "goodbye" he just left Mrs. Caldwell said.

During the eight-year absence Mrs. Caldwell [illegible] name at Piedmont Hospital, and Sarah [illegible] never seemed to [illegible] continued [illegible] [illegible] questions.

[illegible]

[illegible] Mr. Caldwell [illegible] who worked at K-Mart [illegible] as a shoplifter. He [illegible] drug and he had done [illegible] Caldwell said.

Mr. Caldwell told us [illegible] he had sought help at [illegible] center but he said [illegible] feel whether he did.

When the couple reconnected, he told her, a changed wife than [illegible] from Sarah, 10, and [illegible] Then "I wanted to be [illegible] since the last, we talked [illegible] Toward June, "she said.

[illegible]

[illegible]

[illegible]

catch ... the cities must decide their parks to the county first.

Angered some DeKalb ... now say. The resolution ... threaten plans to renovate their city parks. Decatur Mayor Mike Mears said he wouldn't consider deeding park property to the county.

"This will have to be a decision ... pressed similar reservations.

DeKalb County has ... more than $1.7 million of the bond funds for renovations to the city-owned parks.

The county is asking seven DeKalb cities ... Decatur, Doraville, Chamblee, Clarkston, Lithonia, Pine Lake and Stone Mountain ... to put ... attached.

We were told that there had been an error in the drafting of the ... document," said Lane. "If Dill Chamblee's superintendent of public works.

Mr. Dill said he was briefed on the stipulation when he met with county park officials, including Jim ... Goddard and ... on that topic of bond ... "claim" county financial ... and grants. The language ... board resolution ... for "acquiring, constructing and equipping park, recreational areas and related facilities to be owned, operated and maintained by the county," he ...

Mr. Cur... details of ... ments until ... fice had pr... all of the ci...

Official... ville have ... property to ...

We tru...



Ben Caldwell is all smiles as he and his mother, Kay Cald... two weeks in the hospital recovering from multiple stab...

Marietta Stabbing Victim Leaves Hospital

Boy, With Well-Wishers' Toys, Moves In With Grandparents

By Cynthia Durcanin
Staff Writer

Nearly two weeks ... he was stabbed and left for dead in ... family's Marietta apartment, 10-year-old Ben Caldwell left Kennestone Hospital ... carried safely enough, ... a toy store.

"Right now I don't ... what to do with them," Ben said, referring to the more than 200 gifts he received. But ... their Kay Caldwell said several cars were needed to take the toys to her parents' home, where she and Ben now are living.

The gifts have helped deflect the young boy's attention from the death of his 12-year-old sister, Sarah, who was sexually assaulted and strangled in the same Aug. 16th attack.

Mrs. Caldwell discovered her daughter's body in a bedroom and found Ben semi-conscious, lying in the bathtub in a pool of blood. Ben was stabbed five times, apparently with a pair of scissors, police said. Ben also suffered a skull fracture in the attack, which temporarily has affected his vision, requiring him to sometimes wear a patch over one eye. Doctors said Ben probably won't need physical therapy, but may need psychological counseling in the future.

Ben's father, J. Robert Caldwell, was charged with aggravated assault with intent to murder based on statements the boy made from his hospital bed, police said. Mr. Caldwell, who is being held without bond in the Cobb County jail, has not been charged in the slaying of his daughter. The investigation is continuing.

Wearing a Marietta police badge and a "Who Framed Roger Rabbit" T-shirt, Ben bounded up the stairs of his grandparents' home and rushed to his room to survey the gifts he received from dozens of strangers.

"Golly," he said, diving for a set of building blocks to construct a jet airplane.

As Ben inspected his gifts, friends and family members doted over him, while others fussed by phone. An aunt, who called to ask if Ben wanted anything special for lunch, distracted Ben long enough from his toys to receive a one-word answer, "Shrimp."

Ben, who missed the first day of elementary school Monday, is not certain when he will return to ... He said he was in no hurry.

Mrs. Caldwell said Ben has not discussed his sister's death since the incident. "They [police and hospital officials] said let him talk at his own pace," Mrs. Caldwell said.

While in the hospital, Ben was under 24-hour police protection. Although authorities said they no longer believe Ben is in any danger, police said they plan to step up patrols in his grandparents' neighborhood.

Metro Report

2 MARTA Buses Collide, Slamming One Into Car

Staff ...

A MA... ... evening, causing ... car in front of it that had stopped to make a ... though Mr. Gebri Hewet said none was seriously injured.

Father Kills Family Dog That Attacked His Son

DeKalb Group Registers As Campaign Committee

... with the Georgia secretary of state's office, after a judge ruled ...

Converts Man Sought In Roommate's Slaying

... been ... names of the top three committee officials on the letter.

FA... Thu... Wou...

Team ... To St...

Because ... lanes exce... PAA has n... show site ... said. "We ... want them ... said.

"We ... what went ... the West G... are any cha... teria, we wi...

Dobbin...

Blac... May...

By R...

... judge's decisi... fect of DeKal... plan on its pri...

ites Possible Legal Obstacles to Dome Financing

while the privately operated Georgia Stadium Corp. and the Atlanta Falcons profit from it. He also cautions that plans to earmark a portion of the hotel-motel tax as the source for much of the public's share of the $158 million facility could be risky.

But Clark Stevens, director of the Governor's Office of Planning and Budget, was confident Tuesday that all of the potential problems cited in the attorney general's letter can be overcome.

"I don't see anything as insurmountable at all," said Mr. Stevens.

Mr. Bowers wrote that the state's participation in the dome project could be construed as a "gift or gratuity of public revenues to private operators" and thus be unconstitutional if the Stadium Corp. and the Falcons showed a profit each year while the state lost money.

Under current financial projections, both the Stadium Corp., which would be in charge of leasing suites and box seats for football games, and the Falcons would realize profit annually from using the facility about 10 times a year.

But the projections say the state-owned Georgia World Congress Center (GWCC), which would own the stadium and lease it for other events during the remainder of the year, would lose more than $2 million annually in operating the 72,000-seat facility.

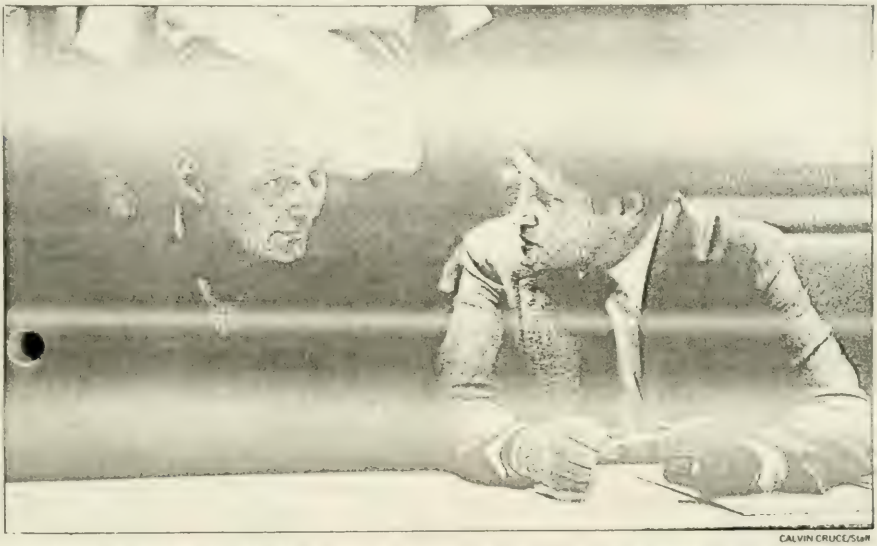
Mr. Bowers wrote that it would be "difficult" to get around the constitutional prohibition by showing that the public's investment in the stadium could be offset by increased sales tax revenues generated by the facility.

"Every private business produces sales tax revenues," Mr. Bowers wrote.

Mr. Stevens maintains, however, that Atlanta and Fulton County, not the state, will be responsible for footing the bill for dome operating losses. A portion of the local six-cent hotel-motel tax — more than $5 million annually — has been designated to pay off the public portion of the dome debt and to make up for annual operating losses.

The state's major contribution to the project, $14 million for land, could not be considered a financial

DOME Continued on 5C



CALVIN CRUCE/Staff

James Robert Caldwell (left) talks with his attorney, Jimmy Berry, after a pretrial hearing Tuesday in Cobb Magistrate Court. Mr. Caldwell will be tried on attempted murder charges in the stabbing attack of his son, Benjamin.

Marietta Boy Awoke to Stabbing; Court Told

Evidence Merits Putting His Father On Trial for Attack, Cobb Judge Rules

By Cynthia Durcanin
Staff Writer

On the morning of Aug. 16, 10-year-old Ben Caldwell was awakened to the sound of his father shouting "Benjamin!" and then thrusting a knife 6 inches into his body, according to court testimony Tuesday.

Based on statements Ben made from his hospital bed to police, a Cobb County magistrate judge ruled that sufficient evidence exists to try James Robert Caldwell on charges of aggravated assault with intent to murder his son.

Mr. Caldwell has not been charged in the slaying of his 12-year-old daughter, Sarah, who was raped and strangled the same day at the family's Marietta apartment. Although Mr. Caldwell has been labeled the prime suspect in the slaying, he has not been charged because investigators say they are still awaiting test results from the State Crime Lab.

On Tuesday, Marietta police Capt. Walter Parker testified at a hearing before Judge James Bodiford to discuss the allegations against Mr. Caldwell in connection with the stabbing. According to Captain Parker, Ben suffered six stab wounds 5 to 6 inches deep.

"The bed was saturated [with blood]," testified Captain Parker, who was the only witness Tuesday.

Mr. Caldwell listened intently as Captain Parker described in detail the blood-spattered apartment where the children were found. Bloody prints were also found on Sarah's body.

When Kay Caldwell, Ben's mother, discovered her son nearly eight hours after the attack, he was lying face down in a bloody bathtub. "She called for the children and no one responded," Captain Parker testified. "She thought she heard someone mumble, went into the hallway and found her son in the bathroom."

A moment later, Mrs. Caldwell, a nurse, found her daughter in her bedroom. She checked the child's pulse and found that she was dead, Captain Parker testified.

Mrs. Caldwell also found around Ben's neck a sash that belonged to the dress she was wearing, police said. Mrs. Caldwell had

CALDWELL Continued on 4C

Clayton

On water

Other Metro Counties, Atlanta to Discuss Topic

By Donna Lorenz Shealy
And John Brady
Staff Writers

Clayton County called an end to a long, dry summer Tuesday, becoming the first metro county to lift outdoor watering restrictions.

■ *Clayton approves $60 million budget, 2½ mill [illegible]* Page 2C

[illegible] that fell over the Labor Day weekend were enough to end Clayton's participation in metro-area watering restrictions in place since early June due to dry conditions.

Water department officials will meet Wednesday to discuss the continuation of restrictions at a conference at the Atlanta Regional Commission (ARC). The meeting was scheduled before Clayton's decision.

Clayton has enough water in its four reservoirs to keep taps running until February without any additional rainfall, said Morris Newman, general manager of the county Water Authority.

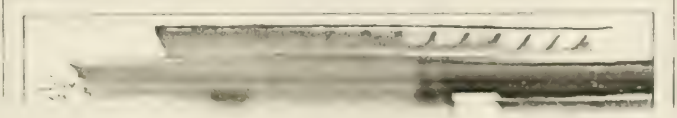
"It would be very difficult for me with a straight face to tell people they couldn't water especially after 5 inches of rain," Mr. Newman said.

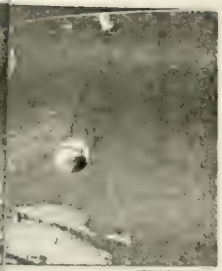
Other officials were more cautious about the improvement in the water supply.

"The rain helped, obviously, but we've still got a tremendous deficit in the levels of Lake Lanier and Lake Allatoona where metro Atlanta gets most of its water," said Harold Reheis, assistant director of the

WATER Continued on 5C

DAs Say They May Close Files to the Parole Board





STEVE CLA/ Staff

ed property for a client. The
le are cash or cashier's check.
pperties are advertised before
en sold to the highest bidder.

this matter," said [illegible] George Arndt, the sheriff's executive aide.

Last week Sheriff Lankford said he assigned his deputy out of concern for the safety of the King family. Both civil rights leader Martin Luther King Jr. and his mother, Alberta King, were killed by assassins. But a King Center administrator said Tuesday that Mr. Willoughby plays a larger role at the center.

"There are just some precautionary things he's been pointing out to us, like in moving VIP's around," Bernard James, the center's chief administrator, "He's been a tremendous lesson to us."

Mr. Willoughby has not responded to requests for interviews.

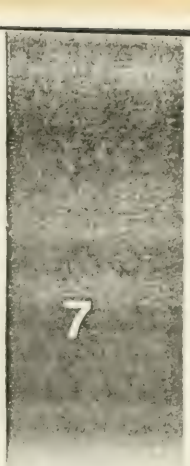
Mr. James said the center's own paid staff of three security guards is being trained by Mr. Willoughby, who receives a $24,528 annual salary from the county. The center is seeking to hire a fourth security

too many questions," he said.

Mr. James said the center is lucky to have a law enforcement officer on the premises. The center's own staff is uniformed but does not carry weapons and has no arrest powers, he said.

"We have heads of state constantly in and out of here, and famous entertainers," he said. "Because of the attraction of the center and the large tour groups here, we have street people begging from tourists. We almost have to call the police on a daily basis."

Fulton County Commissioner Martin Luther King III, son of the Rev. King and a member of the center's board of directors, said last week that Mr. Willoughby has both protected the family from potentially dangerous intruders and helped the commissioner when his car broke down in April.



hotel motel tax to pay the public portion of the stadium's cost because the tax is subject to repeal or could be tied up in legal challenges. The tax could also fail in future years to produce enough money to pay the required public costs, he said.

In his letter, Mr. Bowers advises that it would be safer instead for the city and county to designate a set amount of money each year for the stadium rather than linking the contribution directly to the tax.

"That may be the way we have

Parole

From Page 1C

to prosecutors' files might result in the release of some dangerous prisoners. "We could be in a position of sometimes releasing folk we shouldn't be releasing," he said.

Toombs Judicial Circuit District Attorney Dennis C. Sanders [illegible]

Order to Open Records in Lawsuit Against Priest

that a lower court must respect and follow the decision of a court of appeals in a prior appeal in the same case."

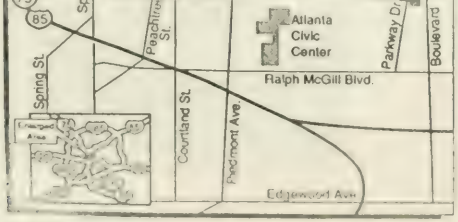
The dispute over the records began in August 1977, when former Columbus resident Vicki Renee Long filed suit against the Rev. Donal Keohane and the diocese, which had jurisdiction over him while he served as a high school teacher and minister in the Columbus area. The lawsuit, according to one of the judge's orders, involves issues of paternity, legitimacy and

filed. The judge took the action without other parties to the lawsuit being present. After he refused, in response to the newspapers' motion, to lift the seal on the documents, the newspapers appealed the decision.

The newspapers' attorneys have noted in their briefs that in the few cases in which orders sealing civil pleadings have been considered, they have been uniformly rejected. The attorneys also found "no case in any court at any level in any jurisdiction in which such an order

[illegible] weigh the public interest in open access to those records."

The majority opinion, written by Georgia Supreme Court Justice Richard Bell, said such public access "protects litigants, both present and future, because justice faces its gravest threat when courts dispense it secretly. Our system abhors star-chamber proceedings with good reason. Like a candle, court records hidden under a bushel make scant contribution to their purpose."



the gay community being placed in that particular area, that's the question."

Mr. Hubbard said he talked to 10 to 20 residents, and "got a very negative response from the neighborhood" about the center moving there.

"There might be a minority of guys that need the particular service in that community," he said, "but we're trying to work with the majority of people in that entire area."

The Kings and Mr. Gripp charge [illegible] the residents who are most opposed to the center would not be directly affected by it because they do not live in the immediate vicinity.

Carl E. Hubbard, a retired educator who lives directly across the street from the Kings, said he has not yet made up his mind.

"I worry more about drugs than I do about this [center]," he said. "I'd like to know what the facts are, and then I'll make the decision for my family."

Carl Hubbard said he wants answers to questions about how the clinic would operate, how many people it would service and how parking will be handled.

"If it's controlled it wouldn't bother me, and what I mean by controlled is where it doesn't interfere with the lifestyle of other law-paying people in the community," he said.

From Page 1C

pulled the sash out of her closet that morning but had decided to wear the dress without it and left it on her bed, Captain Parker said.

He testified that Ben apparently went into the kitchen after the attack, stood on a chair and reached for a pair of scissors and attempted to cut the sash from his neck.

Captain Parker testified that Mrs. Caldwell cut the sash from Ben's neck when she found him.

When asked why Ben made no attempt to call for help, Captain Parker testified: "He said he wasn't familiar with the 911 system. He did not know how to use it."

About four days after the attack, Ben told police that his father stabbed him, Captain Parker testified. "He said he was in his bed and woke up when his father grabbed him and shouted 'Benjamin!' then stabbed him."

When Ben initially described his attacker to police, he said the man had a tattoo, was wearing a brown uniform and drove a black and maroon pickup. Captain Parker testified that the uniform description was consistent with the type Mr. Caldwell wore at Butler Tire, where he worked. Mr. Caldwell also drives a black and maroon pickup. Captain Parker did not testify in court that Mr. Caldwell had a tattoo.



a situation where the offenders they are letting out are more violent than others — we're harming who we're trying to repair."

Oconee Judicial Circuit District



Lawyer in Case Says

By Gail Epstein
And David Corvette
Staff Writers

Fulton County could be assessed more than $15 million in fines if plaintiffs in a lawsuit challenging conditions at the county jail succeed in having the county held in contempt of court, the plaintiffs' lawyer said Wednesday.

Robert W. Cullen, the lead attorney for the long-running class action lawsuit, said he plans to file a motion asking U.S. District Judge J. Owen Forrester to hold the county in contempt of a consent decree because inmates have continued to sleep on the floor of the overcrowded jail.



The judge, who had stayed a previous contempt motion, [illegible]

[illegible] with overcrowding. The court judi[illegible]

Two inmates, including a man convicted of shooting a Dawson County deputy, escaped Wednesday from the Gwinnett County jail by removing a concrete block from their cell and scaling a razor-wire fence.

The inmates, Michael Ray Pugh, 22, of Buford, and Felipe Dalton Dobbs, 18, of 809 Regency Drive in Lawrenceville, were said to be seen in Forsyth County on Wednesday afternoon, officers said.

They scurried into the jail yard between 3 a.m. and 7 a.m. through a long, narrow passageway behind their cell wall where plumbing pipes are inspected, said Maj. Burt H. Blanott of the Gwinnett County Sheriff's Department.

The inmates then climbed a utility shed and scaled the fence, which they covered with sheets and blankets, Major Blanott said. It is believed they were assisted by acquaintances, he said.

It was the first escape from the jail since 1982, said Gwinnett County Sheriff [illegible]

Dobbs [illegible] a bench warrant for Gwinnett County Recorders Court, a probation violation, and was waiting trial on charges of giving a false name, criminal trespassing, theft by receiving and two counts of burglary, Major Blanott said.

The men were being held in a cramped cell built in 1973 as a storage area, he said. The cell was converted to hold 24 inmates, but 75 were being housed there when the escape occurred, he said.

Father to Face Murder Count In Girl's Death

By Charles Walston
And Gene Morris
Staff Writers

[illegible] family's Marietta apartment on Aug. 16, Cobb County District Attorney Thomas J. Charron said Wednesday.

Mr. Charron will consider seeking the death penalty. He said the case probably will be presented to a grand jury within two weeks.

Mr. Caldwell has been charged with assault to commit murder for the stabbing of his 10-year-old son, Ben, who was attacked and left for dead in a bathtub Aug. 16. The boy recovered and identified his attacker, police said, and Mr. Caldwell was arrested Aug. 23 after he had disappeared for several days. Mr. Caldwell, 42, is being held in the Cobb County jail.

Mr. Charron's office this week received the results of tests to genetically identify samples of blood, saliva, semen and hairs taken from the crime scenes. He declined Wednesday to reveal the results of

CALDWELL Continued on 2B

[illegible] THANKFUL



[illegible] Andrews beam with happiness at their new home

[illegible] to families the [illegible] for a down pay[illegible] d by an Urban [illegible] (UDAG) from the [illegible] and Urban De[illegible] velopment. It is the first time UDAG money has been used for housing in Atlanta, according to Gary Hol[illegible], the city's director of eco[illegible]

HOUSE [illegible] on 2B

From Page 1B

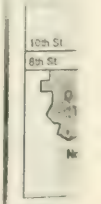
keys and 150 hams had been given. So far, $35,000 of the estimated $157,000 needed to feed the 45,000 people expected for both holidays has been raised.

About 3,000 volunteers are needed and those ranks are filling, but more cooks are needed. Those wishing to help may call 373-5751.

Volunteers, he added, often benefit more than the people they serve.

"Atlanta is not too busy to love," he said. "What makes the program so great, for everybody to have a happy Thanksgiving, [they] don't need a meal. There's just so many of us who need to be needed."

The people who are fed may also use the showers in the gymnasium, and free clothing and medical attention will be available. Enter[illegible]



What: [illegible] Homeless
When: [illegible] day
Where: [illegible] George Te[illegible] ter. Call 3[illegible]

Tainers also [illegible] Williams sai[illegible]

Staff Writer

Two inmates, including a man convicted of shooting a Dawson County deputy in the foot, escaped Wednesday from the Gwinnett County jail by removing a concrete block from their cell and sealing a razor wire fence

The inmates, Michael Ray Pugh, of Buford, and Felipe Dalton Dobbs, 18, of 869 Regency Drive in Lawrenceville, were said to be seen in Forsyth County on Wednesday afternoon, officers said

They scurried into the jail yard between 3 a.m. and 7 a.m. through a long, narrow passageway behind their cell wall where plumbing pipes are inspected, said Maj Burt H Blanott of the Gwinnett County Sheriff's Department

The inmates then climbed a utility shed and scaled the fence, which they covered with sheets and blankets, Major Blanott said It is believed they were assisted by acquaintances, he said

It was the first escape from the jail since 1982, said Gwinnett County Sheriff Bobby G Plunkett

[illegible] Jail pending a court appearance

Dobbs was being held on a bench warrant for Gwinnett County Recorders Court, a probation violation, and was waiting trial on charges of giving a false name, criminal trespassing, theft by receiving and two counts of burglary, Major Blanott said

The men were being held in a cramped cell built in 1973 as a storage area, he said The cell was constructed to hold 24 inmates, but 75 were being housed there when the escape occurred, he said

against him

Georgia Law limits interest charged by lenders to 16 percent

House

From Page 1C

nomic development

To qualify, homebuyers must have a household income of $19,000 to $30,000, live in the house they purchase, qualify for a first mortgage under FHA guidelines and pay $1,000 cash to cover closing costs

The $260,000 UDAG grant will be divided into 20 $13,000 second mortgages — which will be used as down payment on the first mortgages The Urban Residential Finance Authority allows homebuyers to purchase the first mortgage at 9% percent interest, which will make monthly mortgage payments about $500

Edgewood Square is in the Edgewood [illegible]

repaying $16,000 on a 90 day $10,000 note

The loan was the second one at

was in decline Mayor Andrew J Young used a news conference announcing the Edgewood Square project to deflate criticism that he has ignored poor peoples' housing needs

"This is a city on the move and it's not just tall buildings and big, hundred million dollar investments, though we've got those, too," Mayor Young said "People say, 'What are you doing for poor people with all the development?' Well, we're helping poor people to live like the rich

"The public-private partnership has produced, I think, some of the finest home buys I've heard of," he said "Houses like these would cost $250,000 to $300,000 in Washington or New York"

The Andrewses' two-story house has light brown carpeting, a fireplace in the living room and a chandelier in the dining room The kitchen is outfitted with plenty of

Avenue on the east Ira Hayes Drive on the south and Arizona Avenue to Maynard Terrace on the west

Last summer, Habitat for Humanity — the Americus, Ga.-based non-profit Christian organization publicized by former President Jimmy Carter — built 20 houses just across the street from Edgewood Square and sold them at cost to poor working families in the neighborhood.

Now, city officials said, their creative, long-term methods have brought pride back to an area that

"We've been trying to get this done since — what was Nixon's last year as president?" said Charles Turner, the president of Neighborhood Planning Unit O, who explained that federal money for the project has been dangled and withdrawn since 1974 "This is a good start"

City officials will next work to secure more federal money for Phase II of the Edgewood Square project, another 18 homes for moderate income families, said Mr Holmes

From Page 1B

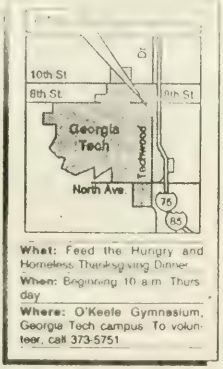
keys and 150 hams had been given So far, $35,000 of the estimated $157,000 needed to feed the 45,000 people expected for both holidays has been raised

About 3,000 volunteers are needed and those ranks are filling, but more cooks are needed Those wishing to help may call 373-5751

Volunteers, he added, often benefit more than the people they serve

"Atlanta is not too busy to love," he said "What makes the program so great, for everybody to have a happy Thanksgiving, [they] don't need a meal There's just so many of us who need to be needed"

The people who are fed may also use the showers in the gymnasium, and free clothing and medical attention will be available. Entertainers also will perform, the Rev Williams said



What: Feed the Hungry and Homeless Thanksgiving Dinner

When: Beginning 10 a.m. Thursday

Where: O'Keefe Gymnasium, Georgia Tech campus To volunteer, call 373-5751

From Page 1B

those tests but said, "We feel comfortable enough to present the entire matter to the grand jury."

Mr. Charron said he probably will wait until Dec 8 to present the Caldwell case

Sarah Caldwell was strangled with a shoelace or a piece of cloth, a medical examiner's report said, and evidence indicated she was raped, prosecutors have said



Caldwell

Mr. Caldwell was not initially charged with murdering his daughter because police were awaiting the results of the genetic tests being conducted at Life Codes, a Valhalla, N.Y., medical research laboratory

The Cabbage Patch Kids are moving!

Moving Sale Beginning

Leather Sofa Cama
Reg. $1188
Now $899.95

STEREO TOWER
44"Ha
20"Wa
15"D
Reg. 138

6135 Jimmy Carter Blvd
Norcross, Ga. 30071
(1 mile west of I-85
next to Avanti Furs)
(404) 441-2537

Late Nite Mon 10-8

Late Nite Mon 10-8

tention over its dispute with the Boy Scouts of America over the use of the word "scout" in the Georgia group's title

Stephen F. Hyde, chief executive of Mr. Trump's three casinos, offered the 1984 bus after two New Jersey sheriffs began a drive last month to collect donations for the Blairsville based group, said Sheriff James T. Plousis of Cape May County, N.J.

Sheriff Plousis said the two law enforcement agencies also have received about 300 donations of outdoor gear and clothing for the Wilderness Scouts. The sheriff and deputies from Cape May and Atlantic counties plan to deliver the bus and the other donations within a week, he said.

The 48-passenger, climate-controlled bus will replace an aging 1972 school bus the Wilderness Scouts bought with money earned



Donald Trump owns the Atlantic City gambling casino planning to aid the Blairsville organization for disadvantaged children.

from the construction and sale of bluebird nesting boxes. Harold Cornwell, the Wilderness Scouts' leader and founder, said the school bus has become unsafe and no longer can be used to transport children to meetings, campouts and work

was being signed over to the group by the Wilderness Scouts. The bus has been used as a parking lot shuttle for Trump Plaza employees.

"I run a jail, and I see kids go bad," Sheriff Plousis said. "But here are some kids trying to do good, and I just thought we should support them in any way we can."

The 4-year-old outreach program involves needy children in projects to aid poor families and the elderly in Union and Fannin counties and has included almost 300 youngsters.

The Wilderness Scouts received national attention after the Boy Scouts of America threatened to sue to force the group to change its name. The Boy Scouts' national legal counsel contends that only his group and the Girl Scouts of the United States of America have the right to use the word "scouts" for a youth program

Cobb Grand Jury May Get Caldwell Case Today

[illegible] police [illegible] of Mr. Caldwell with aggravated assault with intent to murder in the stabbing of his 10-year-old son, Ben, who was attacked at the family's Marietta apartment Aug. 16. Mr. Charron said Tuesday he planned to present the case to a grand jury today and seek a murder indictment

[illegible] a [illegible] Caldwell [illegible] appeared the same day that Ben who was recovering from his injuries in Kennestone Hospital, told investigators about the attack.

Mr. Caldwell was arrested several days later at the apartment of a co-worker after police received a [illegible] tests last month. Mr. Charron said he planned to charge Mr. Caldwell with murder but declined to give details about the tests.

Mr. Charron could seek the death penalty if the grand jury indicts Mr. Caldwell on murder charges.

Three Exit Laughing as Snap Before Is Shot

By Adam Gelb
Staff Writer

Roy Mark Morgan had just put the finishing touches on a tuna sub at the Subway shop on Piedmont Road Monday night when a customer drew his weapon.

"This is the deal ... " the gunman said. Without further explanation and standing five feet away, he pulled the trigger.

The bullet hit Mr. Morgan in the chin and ripped apart the inside of his mouth. The assailant and two accomplices robbed the store and three patrons. They laughed as they walked out the door, witnesses said.

Mr. Morgan, 30, underwent seven hours of surgery to repair a broken jaw and several destroyed teeth. He was in stable condition Tuesday evening in the intensive care unit at Piedmont Hospital, a hospital spokesman said.

Witnesses said they were or[illegible] p.m. Monday when three men in [illegible] and [illegible] were going to eat.

Walter Lee Graves, 19, said Mr. Morgan had finished making a tuna sandwich for him and was opening the cash register to make change when one of the men pulled a handgun and fired.

"I thought for sure he was going to shoot me," Mr. Graves said. "I've never been so scared in my life."

Mr. Morgan escaped out the back door to a nearby Chinese restaurant. The assailants then robbed Mr. Graves and two of his friends of cash and jewelry.

Atlanta police Robbery Detective D. Belt said the gunman had severe burns on his face and hands that investigators hope will help identify him.

The owner of the Subway store at 1825 Piedmont Road N.E. is offering a $1,000 reward for information leading to the arrest and conviction of the attackers.

Ivansco Named Georgia Photographer of Year

Joey Ivansco of The Atlanta Journal-Constitution was named [illegible] of the three first places in last weekend's 16th annual Atlanta Seminar on Photojournalism.



Ivansco

Ivansco received his award for a portfolio of seven photographs of subjects ranging from news to fashion. He also won two first-places in individual categories.

Michael Schwarz of the Journal Constitution was runner-up for state "photographer of the year."

The newspaper's first places:

■ Ivansco, food illustration, for a photograph that ran with the article, "Making the perfect souffle" and fashion illustration, for a photograph running with the Sunday High Style feature, "Spring hats."

■ Rich Addicks, portrait and personality, for a portrait of author Elmore Leonard.

The judges looked at 1,400 prints by 220 photographers from across the Southeast.

E. Point Police Think Same Person Mugged Elderly People

By Lori Boyer
Staff Writer

East Point police believe the same person is responsible for the muggings of two elderly people in [illegible] suspect did not know the woman had died.

Probably we'll never catch the guy now," Major Daniels said.

A [illegible] police report [illegible] Noe was injured in the Nov. 30 rob-

Major Daniels said the investigation into the death of Emma Noe, 64, of Newnan is continuing.

Increase Your Chances To Me That Special Someone!

GET RESULTS WITH LET'S GET PERSONAL

TO PLACE AN AD

[illegible] ATLANTA JOURNAL-CONSTITUTION, SUNDAY, NOVEMBER [illegible]

[illegible] order is four weeks for 10 days minimum price $20. All ads will [illegible] a number. There is $5 charge for Box re

during a preseason tournament during the Thanksgiving holidays.

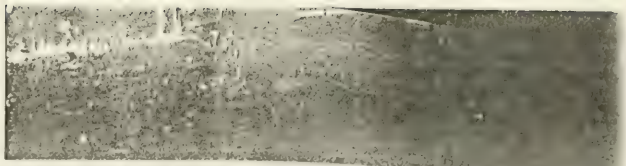
Under the board's policy, which took effect last fall, anyone who willingly and knowingly allows an ineligible student to participate in an extracurricular activity loses his teaching certificate — and thus his job — for one to three years.

As it prepared for its official meeting to be held today, the board Wednesday also showed its determination to hold the line on other controversial policies.

■ It indicated it plans to authorize another year of kindergarten testing, despite criticism of the program.

■ Despite some dissent, it refused to allow students who don't meet the eligibility of no pass, no play requirements to participate in Arrive Alive, a youth group formed to combat drunk driving and drug and alcohol abuse.

Under the no pass, no play rule, students are declared ineligible for one grading period if they pass fewer than five courses or for one year if they pass [illegible]



Ian Scott (left), 3, and brother Zachary, 6, cut down their Christmas tree at [illegible]



A Tree for Christmas, a [illegible]

Jack Scott of Lawrenceville and his sons recently went to Santa's Tree Farm in Suwanee to pick out the family Christmas tree. After combing the farm for just the right one, they settled on their favorite and cut it down, much to [illegible]



Death Penalty For Caldwell

By Charles Walston
Staff Writer

A Cobb County grand jury indicted James Robert Caldwell on Wednesday for murder and rape in the death of his 12-year-old daughter, and District Attorney Thomas J. Charron said he will seek the death penalty.

A four-count indictment also charged Mr. Caldwell with [illegible] of his son, Ben. [illegible]

"I hope he gets the death penalty," said Kay Caldwell, Mr. Caldwell's wife and the mother of the two children.

Mr. Caldwell, 42, has been held without bond in the Cobb County Jail since he was arrested Aug. 23 and charged with aggravated assault for the stabbing of Ben. The boy was found unconscious in a bathtub at the family's Marietta apartment, and described the attack to police four days later as he was recovering at Kennestone Hospital.

Mr. Caldwell disappeared after Ben spoke to police, and was arrested three days later outside the apartment of a co-worker after police received a tip from an undisclosed source.

Prosecutors and police say that Sarah, who was a student at Mariet

CALDWELL Continued on **7B**

A smiling Jack Scott holds up the Christmas tree that he and sons Zachary (left) and Ian have chosen. [illegible]



It Wasn't the Drive-In Window

A car remains amid the wreckage of a window at a McDonald's restaurant in downtown Decatur where it careened in a seven-vehicle, chain-reaction accident Wednesday. Ten people were reported hurt. Sgt. J.M. McGuir[illegible] preliminary indications are the incident ed when a driver lost consciousness on merce Drive.

some legislators said. Under current law, only cities are allowed to collect the fees.

Under the franchise fee system, a city allows a utility company to install its equipment in public rights of way in return for a negotiated percentage of the company's gross

ways made it seem that this is free money that's just floating around out there, but it doesn't work that way."

"This has come up before and it never got very far," said state Rep. Eleanor Richardson. "I don't think it will pass this year."

Caldwell

From Page 1B

to Junior High School, had been sexually assaulted before she was strangled with a piece of cloth. Mr. Caldwell had not been charged with murder or rape before his case was presented to the grand jury, but his wife said the indictments on those charges did not surprise her.

"I knew they were going to indict him. I never had any doubt," she said. She began to suspect that her husband was involved in the attack after he disappeared, she added.

tests, but said the case against Mr. Caldwell is not based entirely on the test, which is a relatively new technique.

The prosecutor said circumstances of the case meet the legal requirements for seeking the death penalty on several grounds, he said. A person convicted of murder can receive the death penalty if the crime occurs while another capital felony, such as rape, is being committed, or if the murder is unusually cruel.

Mr. Caldwell's case will not go to court before March, Mr. Charron said, and it could be scheduled for as late as May. Because death penalty cases in Cobb Superior Court

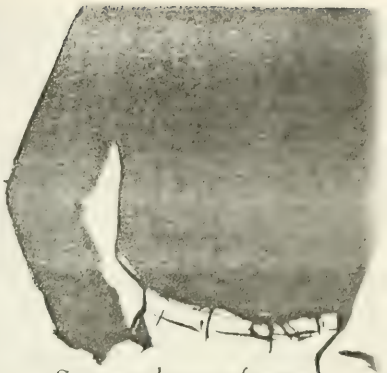
tion, the panel heard about four hours of testimony, including results of genetic testing that compared DNA samples from Mr. Caldwell with those taken from the crime scene.

Mr. Charron declined to give details about the results of the DNA

you have a case of major notoriety.

but I don't think historically this is a difficult county to get a fair trial in," he said.

"It [the case] has a built-in interest, but I think that would be the same in any jurisdiction."



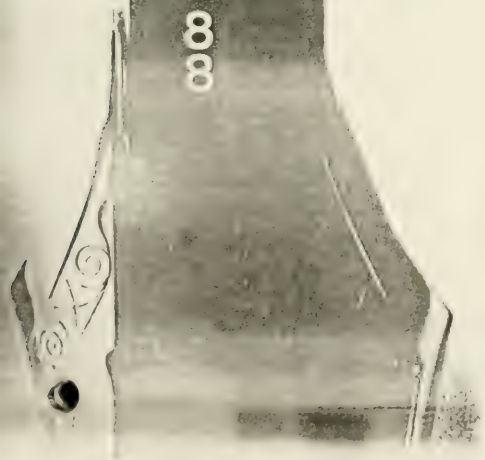
Save on a bounty of cotton turtlenecks, mocks, henleys, [illegible] and polos

Lord &
EXTRA CHRI
Lord & Taylor open d

DEC 8 1988

Ser ice
Char ges.

Earn
Interest.





Sgt Shirley Britton

"We will have to interview every child that's been at that nursery" to find other possible victims, the sergeant said The center is licensed to care for 38 boys and girls

The alleged molestations were reported Monday The girl told her mother and detectives that she had been [illegible]ized and forced to have vaginal intercourse

The suspect, whose name was withheld because of his age, was charged with one count of aggravated child molestation, police said He was being held Wednesday night in the Clayton County Juvenile Detention Center pending additional charges

The incidents allegedly occurred when the center owner left the children alone with her son The owner told police her son was never alone with the children and that he is at the center only at the end of the day to clean up

Police said their investigation so far shows the owner and another man licensed to work at the center did not know about the alleged molestations

Adam G Bl

Abu[illegible]
Fur Trader Says

ROME, Ga — A North Georgia fur and ginseng trader on trial here for allegedly dealing in illegal bearskins testified Wednesday that he was trying to con undercover agents when they approached him about the hides

In the third day of his trial in U.S. District Court, Paul Hoyt Bonds II, 56, of Cisco said he sold a federal agent in October 1986 the same nine skins he had purchased from two other undercover agents eight months earlier.

The [illegible] Bonds, [illegible] Rome last week on charges, as part of a massive investigation into bear poaching in the Southern mountains

"When someone tells me some baloney, I just give them a bigger slice of baloney back," said the white-bearded Mr. Bonds.

Mr Bonds was among 43 people indicted in August as a result of "Operation Smokey," a three-year state and federal investigation into bear poaching and the sale of hides and body parts on the black market.

During secretly recorded conversations with the agents that were played in court Monday and Tuesday, Mr Bonds boasted of selling bearskins for mounting and rugs. But Wednesday, he said that was merely "sales talk."

"They were the ones always bringing up the bearskins," Mr. Bonds said of telephone conversations he had with the agents prior to their visits to his home. "I didn't want the bearskins. I wanted the cook skins they promised me."



LOUIE FAVORITE Staff

A Gift of Life From Santa

Donna Rowe (left) and Joan Gay of Emory Hospital attend a man, identified only as Santa Claus, who is donating blood platelets. The hospital gets about 12 to 15 donations a day, and most of the blood components are used by leukemia patients.

[illegible] Atlanta and overcrowded with juvenile offenders who are more aggressive and violent than in the past They say the youngsters are a threat to both employees and residents, and some workers have been attacked

The demonstrators, who are members of the Georgia State Employees Union, also protested receiving annual 2 5 percent pay raises instead of a flat rate increase of at least $1,200 Their wages, which range between $11,000 $14,000 a year, force some employees to work two jobs in order to make ends meet, they said

"I think it's a crying shame before God that in 1988 we would have state workers making below the federal poverty level," said Rep Tyrone Brooks (D-Atlanta), who attended the rally and plans to introduce legislation — as he has for the last three years — to ad-

Parolee Found Guilty

A man accused of raping and [illegible]

[illegible] sentencing of David King, 28, until today He could be sent to prison for a maximum of two consecutive life terms.

The July 12 daylight attack in a parking lot at the Residence Inn at 1041 West Peachtree St. was witnessed by an electrician arriving for work. The workman, Dale Johnson, 25, of Dallas, Ga., held the rapist at gunpoint until police arrived

Mr Johnson, hailed by an Atlan-

Metro Report

Suspect Indicted in Rape, [illegible]

Cobb Bureau

A Cobb County grand jury Wednesday indicted Brian R. Ranalli, 32, for the alleged abduction and rape of a 6-year-old girl

The grand jury took less than half an hour to hear evidence presented by Assistant District Attorney Fonda S. Clay and Cobb police Lt Robert Pittman, and to return a six-count indictment against Ranalli. He is charged with rape, kidnapping with bodily injury, burglary, cruelty to children and two counts of aggravated child molestation

Ranalli surrendered to police in East Detroit, Mich., on Oct 25. He is being held without bond in the Cobb County Jail.. Authorities charge that Ranalli abducted the girl from her bed Oct. 19, after entering her family's home in the Sewell Manor subdivision in east Cobb through an open door, and raped her. She underwent surgery at Scottish Rite Children's Hospital after the alleged attack

DA in Caldwell Files Notice on Death Penalty

Cobb Bureau

Cobb County District Attorney Thomas J Charron has filed notice in Superior Court that he will seek the death penalty against James Robert Caldwell, who was indicted last week on charges of murder and rape in the slaying of his daughter

Mr Caldwell, 42, also is charged with aggravated child molestation in connection with the slaying of Sarah Caldwell 12, and with aggravated assault for the stabbing of his son, Ben Caldwell, 10 Both children were attacked last Aug 16 at the family's Marietta apartment

The notice filed Tuesday night notifies Mr. Caldwell that the prosecution intends to show two aggravating circumstances in the slaying, which would allow Mr. Charron to ask for the death penalty The prosecution alleges that a murder was committed while the offender was [illegible] another [illegible] slaying itself involved torture or aggravated battery of the victim

Man Stabbed to Death; Gunshots Kill 2 Others

City Staff

Atlanta Homicide Detectives are investigating three unrelated murders in the city Wednesday night The body of a 52-year-old man, whose name was not released pending notification of his relatives, was found inside an apartment at 2000 Perry Blvd about 4 20 p.m., said Homicide Sgt Danny Agan Sergeant Agan said robbery appeared to be the motive in the slaying, which probably took place a day or two earlier

At 8 p.m., an unidentified man was killed while standing at 280 Ashby Street when a car drove past and someone fired a shotgun out the window, Sergeant Agan said The man was hit once In the head and was dead at the scene, he said Police believe the slaying was drug related

Thomas L Trammell, 49, of 502 Oliver Street, was shot once in the head and killed about 10:45 p.m., Sergeant Agan said Witnesses told police Mr. Trammell was arguing with some people in a car parked in front of his yard when someone inside the car fired the shot

Agents Seize Cocaine, Arrest Four Men In Raid

Cobb Bureau

Agents with the Marietta-Cobb-Smyrna Narcotics Unit Wednesday afternoon seized a kilo of cocaine with an estimated street value of $1 million during a raid at an apartment complex at 3119 Spring Hill Road

Police said the cocaine, described as "almost pure," was wrapped in plastic and packed in axle grease to suppress the odor of the drug. Police also recovered $23,500 cash in the raid

Four men were arrested and

COBB DIGEST

THE NEWSMAKERS AND ISSUES MAKING HEADLINES

Remaining Defense Motions in Caldwell Murder Trial Due in March

By Linda C. Zimmerman
Staff Writer

COURTS

The remaining defense motions in the murder trial of James Robert Caldwell of Marietta will be presented to Cobb Superior Court Judge Robert E. Flournoy Jr. on March 10.

Defense attorney Jimmy Berry filed 26 of [illegible] motions [illegible] Mr. Caldwell, 42, who has been indicted in the rape and murder of his 17-year-old daughter, Sarah, and in the assault with intent to murder of 10-year-old Ben Caldwell last August, faces the death penalty if found guilty.

Judge Flournoy, in a move to protect the interests of the court, issued a ban on media interviews on the case by Cobb County District Attorney Joe Connell and [illegible] prosecutors, police officers and possible [illegible] witnesses.

Mr. Caldwell's attorneys requested information [illegible] officers and suggested both attorneys respond with a "no comment" to any questions from reporters. He said he was not issuing a written order but would do so if he found it necessary.

The list of [illegible] requested a wide range of information [illegible] officers, possible [illegible] testimony [illegible] Mr. Berry said he asked for the rough notes of investigating police officers along with access to DNA test procedures and samples of a relatively new form of evidence.

Mr. Berry said he was going to New York next week to look at the DNA lab work conducted in connection with the case.

The laboratory conducted paired tests of semen, blood and other evidence taken from the victim [illegible] investigating officers.

I know they took out clothing and even parts of walls. I don't know all of what they took or how [illegible]

but I would like to examine them and have our experts look at them, he said.

Mr. Charron agreed to the request, stipulating only that the expert be qualified [illegible]

Mr. Berry also said that police [illegible] entered [illegible] that [illegible] Mr. Berry said [illegible] that [illegible] legal [illegible] Mr. Charron said separate interviews do little to protect the defendant from biased jurors and can easily prolong the selection of a jury by a week.

The key issue is to determine any bias of jurors, said Mr. Berry, who also argued for more specific legal questioning of jury candidates.

The [illegible] court legal [illegible] that [illegible] legal [illegible] [illegible]

Available to [illegible] Public

The Cobb County Board of Education agreed last Thursday to begin limiting what is stated in executive-session minutes available for public inspection.

Board Attorney Richard H. Stull recommended the action based on an unofficial opinion in November by Georgia Attorney General Michael J. Bowers.

In his opinion, Mr. Bowers, quoting from a state open meetings law, said, "Minutes [of an executive session] available to the public are limited to reasons for [illegible] the names of the members present and the names of the [illegible] for closure."

He added that the law imposes no other requirements regarding the [illegible]

[illegible] state. Although it is an opinion, if it is well grounded and well reasoned, I think we ought to follow it," said Mr. Stull, adding that he agreed with the opinion.

—Connie Cunningham



'A' Is for Alligator

Second-graders Christopher Carter (touching alligator) and Jessica Burdick (right) and their classmates at Kincaid Elementary School meet a small North American alligator as teacher Nancy Haynes (background) watches. Mary Ellen Chase, a volunteer from Zoo Atlanta, visited the class as part of the zoo's 'Amazing Animals' program on reptiles and mammals. In addition to the alligator, she brought a king snake, a ferret and a chinchilla.

[illegible] Award for Physical Education

SCHOOLS

Lindley Middle School has received an Award of Excellence in Physical Education from the Georgia Board of Education.

State School Superintendent **Werner Rogers** presented Lindley Principal **J. Leo Roberts** with a plaque at the state board's January meeting. **Bruce Reaves**, Lindley physical education instructor, and **Robert Moore**, Cobb County physical education coordinator, also attended the ceremony.

The state board recognized the school's physical education department for exemplary management techniques [illegible] well [illegible]

• • •

Marietta residents **Brenda Katherine Hardin, Ammer Razzak** and **Angela Faye Storey** were among 316 students named to the fall quarter 1988 dean's list at Georgia College in Milledgeville.

To be named to the dean's list, students must receive at least a 3.2 grade point average on 15 or more hours of work during the quarter and maintain a 2.5 cumulative grade point average.

• • •

Jacqueline Privette Kilpatrick of Mableton has been recognized as a nationally certified teacher of voice by Music Teachers National Association (MTNA).

Mrs. Kilpatrick, an independent voice teacher, served from 1986-1988 as vocal auditions chairman for the [illegible]

[illegible]

at Belmont Hills Elementary School in Smyrna. She is a member of the National Association of Teachers of Singing.

Mrs. Kilpatrick received a master of music degree in voice performance from Georgia State University in 1987.

The Walker School
(1957-1988)

announces

The Helen Noble Memorial Scholarship
OFFERING A FULL SCHOLARSHIP TO THE WALKER SCHOOL
FOR ONE ACADEMIC YEAR

The Walker School is offering a scholarship in the name of Helen Noble, trustee and long-time friend of the School. The scholarship is awarded on the basis of academic and personal merit as judged by testing results, previous academic and extracurricular performance, recommendations and a personal interview. The scholarship will provide one full tuition for one academic year.

ELIGIBILITY: Any student entering grades 9-11 not presently attending The Walker School

Test Dates: Saturday, March 4 9:00 a.m.
Tuesday, March 7 7:00 p.m.

CALL NOW 427-2680 for a [illegible]

NO FEE FOR TESTING.

The Walker School accepts all [illegible] applicants regardless [illegible] color, national or ethnic origin.

Cumberland Diamond Exchange
Atlanta's Diamond Broker to the Public
Valentine's Diamond Sale

ENGAGEMENT RING SPECIALS

Weight	From	Weight	From
⅓ Carat	$[illegible]	1¼ Carat	$1299
½ Carat	$[illegible]	1½ Carat	$1899
¾ Carat	$[illegible]	1¾ Carat	$2799
1 Carat	$[illegible]	2 Carat	$3699

ENGAGEMENT RING SPECIALIST • OVER 400 UNIQUE STYLES

WEDDING BANDS
FREE

DIAMOND EARRINGS

¼ Ct	$[illegible]
½ Ct	$[illegible]
¾ Ct	$349
1 Ct	$599
1½ Ct	$799

DIAMOND PENDANTS

¼ Ct	$179
½ Ct	$199
¾ Ct	$349
1 Ct	$599
1½ Ct	$899

TENNIS BRACELETS
1 CARAT DIAMOND TENNIS BRACELET from $699
2 CARAT DIAMOND TENNIS BRACELET from $1399
4 CARAT DIAMOND TENNIS BRACELET from $2799

100 DAY FREE FINANCING • NO PAYMENTS TIL MAY '89

Cumberland Shopping Center • 2763 Hargrove Road
[illegible] 431-GEMS

Suburban Furnishings
"THE DESIGNER LOOK AT COMPETITIVE PRICES"

LEATHER. . .
THE FINEST QUALITY AVAILABLE

LEATHER
Top Grain Cowhide
in more than 150 Colors

CUSHION CONSTRUCTION
High Density Foam

SEAT CONSTRUCTION
Corinth 8 way
hand tie

MFG. RETAIL
$1392
OUR PRICE
$1044

BACK CONSTRUCTION
Spring Unit
Cushion and
Down Filling

FRAMES
Kiln Dried Wood
Corner Blocks
and Screwed
for Extra Glued
and Double
Doweled

VISIT OUR SHOWROOM
TO SEE THIS AND OTHER FINE FUNISHINGS,
ARTWORK & ACCESSORIES FOR HOME OR OFFICE.

Suburban Furnishings

generate up to 1 million gallons of water per day.

In Hampton, the state Department of Natural Resources (DNR) located five potential well sites two months ago. The city plans to start drilling by next spring.

Smaller North Georgia communities are turning to the DNR and other agencies with geological and hydrogeological expertise for help in locating ground water sources.

In Madison County last [illegible] the DNR located two well sites near Colbert that are now pumping more than 400 gallons of water per minute. As a result, the county was able to lure its largest industry to date, a $65 million wood processing plant that will add about 150 jobs and $450,000 to the county's annual tax digest when it opens next spring, Commission Chairman Bill Madden said.

"Water was critical to us getting that plant," Mr. Madden said. "The state [DNR] people were very helpful. I can't praise them too much for their assistance."

William McLemore, chief geologist with the DNR's Georgia Geologic Survey, said the agency has helped about a dozen North Georgia communities find well drilling sites, with another three or four communities now on the agency's waiting list.

While south Georgia has long relied on aquifers — large underground water bearing rock formations — for the majority of its water supply, water prospecting in the North Georgia Piedmont has been about as haphazard as searching with a divining rod.

In recent years, however, science is starting to replace superstition.

"We're using new geologic mapping techniques," Mr. McLemore said. "But we've also learned a lot more about the hydrogeology of North Georgia so we can do a pretty good job.

"Every well we've ever drilled has hit water," he said. "What we try to do is locate a water supply that's large enough to meet the needs of the community."

With the new technology now available, North Georgia could triple its current ground water yield "without any problem," said Dr. Ram Arora, a Georgia State University geology professor.

"The trend [in North Georgia] should more reservoirs," he said. "If it doesn't rain, what goes they? On the other hand ground water is there. I think mo into Atlanta counties should loo into it. This is the way to go."

Fayetteville's plans to drill cit wells, however, are meeting wit some opposition.

"I'm worried that they will suc the county dry," said Joseph M cells, a Fayetteville resident wh draws his water from a private wel





CALVIN CRUCE/Staff

James Robert Caldwell, charged with the murder and rape of his daughter and stabbing of his son, looks over papers and rubs his eyes during testimony in a pretrial hearing Monday in Cobb Superior Court.

Witness: DNA Tests Link Father to Site of Slaying

By Charles Walston
Staff Writer

Genetic tests, which have never been used as evidence in a Georgia criminal trial, link James Robert Caldwell to the scene where his 12-year-old daughter was strangled and sexually assaulted in Cobb County last summer, a scientist testified Monday.

Superior Court Judge Robert E. Flournoy Jr. is holding hearings this week to determine whether the evidence should be allowed in the trial of the 42-year-old Mr. Caldwell. The trial has not been scheduled, but could begin as early as August.

Mr. Caldwell is charged with murder, rape and child molestation in the Aug. 16, 1988, slaying of his daughter, Sarah. He is also charged with aggravated assault in the stabbing of his son, Benjamin, 11, in the family's Marietta apartment.

Prosecutors hope to introduce the DNA testing in Mr. Caldwell's trial [illegible] Georgia. Defense attorneys have [illegible] who was stabbed repeatedly in the attack and left unconscious to testify against his father.

[illegible] in Val[illegible] clothing match Mr. Caldwell's blood, according to Dr. Kevin [illegible] assistant director for forensic and [illegible] ed bloodstains from the bed where Sarah Caldwell was found strangled and raped.

"We have a match between Sarah Caldwell and the bloodstains on the sheet, and we have a match between James Caldwell and the semen stains on the sheet," Dr. McElfresh said.

The methods used in DNA testing have been known since the 1970s, and the process has been used in recent years to study genetic diseases, determine the paternity of children and in some criminal cases, according to Dr. Vance Baird, a Clemson University researcher who also testified as an expert witness for the state Monday. If the tests are properly conducted, it is impossible to get a false match, he said.

DNA, a molecule found in virtually all living cells, contains the genetic information that determines how an organism will develop.

Defense attorney Bruce Harvey, questioning Dr. Baird, suggested Monday that the tests could be unreliable in some circum[illegible] [illegible] annule Dr. McElfresh Tuesday.

Mr. Harvey and his co-counsel, [illegible]



CALVIN CRUCE/Staff

Dr. Kevin McElfresh of Life Codes laboratory discusses results of DNA testing of murder defendant James Robert Caldwell in a pretrial hearing Monday.

Airport's Neighbors File Lawsuit

[illegible] filed a lawsuit Monday against [illegible] city of Atlanta, charging that noi[illegible] smoke, raw fuel and odors from [illegible] craft taking off and landing [illegible] Hartsfield International Airport [illegible] creating health and other proble[illegible] for them.

Filed in Fulton County Superi[illegible] Court on behalf of 20 Hapeville r[illegible] idents, the suit said that as a res[illegible] of emissions from low-flying a[illegible] craft, residents have become n[illegible] vous, suffer from lack of sleep "a[illegible] live under constant fear for th[illegible] safety and the safety of their fa[illegible] thes."

They also complained in t[illegible] suit of [illegible] [illegible] pressure waves and corrosive [illegible] lutants.

The homeowners, who are s[illegible] ing unspecified damages, said th[illegible] proximity to the airport has cau[illegible] a substantial reduction in prope[illegible] values in what amounts to "a tak[illegible] or damaging" of their homes w[illegible] out compensation.

The residents are represen[illegible] by Conyers attorney Gene Burk[illegible] who earlier won a judgment aga[illegible] the city on behalf of residents v[illegible] similar complaints in Mount View. Mr. Burkett, who also fi[illegible] suits resulting in the city of Atl[illegible] the airport's owner, buying [illegible] about 400 College Park homes. [illegible] Hapeville residents have been[illegible] nored by Atlanta officials.

Mr. Burkett said his Hape[illegible] clients hope to force the city to[illegible] out their homes so they can [illegible] cate elsewhere.

Maintaining that the noise [illegible] pollution problems for Hapev[illegible] residents got worse with comple[illegible] of the airport's fourth runway[illegible] Burkett said, "The airport n[illegible] on these people. Most of t[illegible] didn't move to the airport."

Under a grant program fina[illegible] mostly with federal funds, the [illegible] has acquired hundreds of h[illegible] near the airport and soundpr[illegible] owners since the 1970s.

Michael Muirhead of the cit[illegible] nance Department said that [illegible]

also may be undertaken after a work-related accident if the employee is suspected of being under the influence of drugs or alcohol

Under the policy, an employee testing positive faces suspension

a question arises as to the accuracy of a positive test result, a medical review officer would be authorized to order a re-analysis of the original sample

In the past, drug problems among county employees were dealt with by individual departments

Drug-Free Workplace Act, a group of broad regulations intended to discourage public employees from using drugs

The Atlanta City Council voted earlier this year to require all prospective city employees to submit to a drug test



Sandy Springs Realtor Kills Herself at Mountain

By Donna Williams Lewis
Staff Writer

The owner of a Sandy Springs real estate firm jumped off Stone Mountain Monday night and plunged more than 800 feet to her death, law enforcement officials said Tuesday

Skipper Morrison, 62, presi-



dent of Skipper Morrison Inc., was found dead at the base of the mountain's north face, said John Bankhead, spokesman for the Georgia Bureau of Investigation (GBI)

Park police were immediately sent to the top of the mountain, but saw no one, Mr. Bankhead said

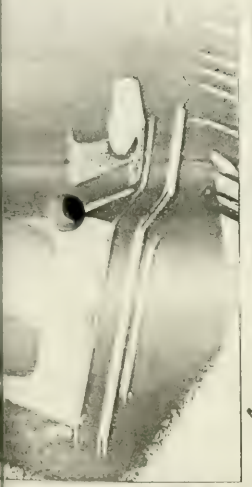
A DeKalb County police helicopter pilot spotted her body about 11:20 p.m. on a ledge near the foot of the mountain below the carving, Mr. Bankhead said

A note in her purse, which was found at the scene, and a second note left at home for her family indicated she had financial difficulties and other problems, law enforcement sources said

"Skipper was one of the finest people I have ever known and such a strong and positive person that this is all a shock to me," said Sally Washburn, a managing broker with Northside Realty and a close friend

[illegible] and Shirley Ann [illegible], 60, of the Castlewoods of St. Philip, 2744 Peachtree Road. The family has asked that in lieu of flowers, contributions be sent to the Atlanta Board of Realtors' non-profit Educational Foundation

Mrs. Morrison, who lived in Sandy Springs, is survived by her husband, A.B. Morrison, a retired General Electric Co. executive. Her only child, son Chip Morrison, is vice president of Skipper Morrison Inc.



CHARLOTTE B. TEAGUE/Staff

...raver's turnaround from drug and ...ol abuse inspired the department ...ne the robot after her.

...ated ... Ga. said and the second ... infant son

... and alcohol habit got ... law. In 1987, she ... ted driving under the ... ...sheer officer and drug ... ...ecutor Court judge Sen... ...unity service and three ... probation.

...though it took a brush with the law to get ... Mc... happy to be where she ...

...finally ... ...ed together," she said.

Witness: No Written Guidelines Used in DNA Tests on Caldwell

By Charles Walston
Staff Writer

A genetics laboratory that analyzed evidence in the case of James Robert Caldwell, charged in the slaying and sexual assault of his daughter, did not have detailed written procedures for the tests, a company official testified Tuesday.

Dr. Kevin McElfresh, an assistant director of the Lafe Codes laboratory in Valhalla, N.Y., acknowledged that the company did not have formal protocols for each procedure when samples of blood, semen and saliva were analyzed last fall. But he defended the DNA test results and his finding that Mr. Caldwell's blood matched samples found at the scene where Sarah Caldwell, 12, was sexually assaulted and strangled.

Mr. Caldwell is charged with murder, rape and child molestation in the Aug. 16, 1988, slaying of Sarah. He is also charged with aggravated assault in the stabbing of his son, Ben, 11. The state will seek the death penalty when he goes to trial later this year.

Cobb County Superior Court Judge Robert E. Flournoy is holding a hearing this week to determine whether DNA tests, which have never been used in a Georgia criminal trial, can be admitted as evidence in the Caldwell case. Attorneys for Mr. Caldwell, who have filed motions to keep the tests from being admitted, attempted Tuesday to discredit the procedures that were followed by Lafe Codes.

The tests were conducted by isolating pieces of different DNA molecules, which contain genetic information, and comparing their reactions to various enzymes, Dr. McElfresh testified. An X-ray film records the reactions to the enzymes, he said, and scientists then make a visual interpretation of whether the DNA samples match.

There are no written guidelines in the Lafe Codes manual or in scientific literature for the visual interpretation, Dr. McElfresh said. "You don't have all of these elaborate standards and everything else," he said. "There is no data."

MAY 10 1989



...Freeman, who is under a school board directive to cut his top staff by 20 positions by July 1990, unveiled the first part of his new organizational structure at the county school board meeting Monday night. The plan, which includes the creation of a new deputy superintendent post, will save an estimated $1.3 million a year in salaries and benefits, he said.

"It's phase one of five phases," Dr. Freeman said Tuesday. "And it's attempting to reduce the span of administrative control and ultimate-

DeKalb's Top Jurists OK Dewald

...as coordinator of DeKalb County's new pretrial release program.

Mrs. Dewald was unanimously approved Tuesday for the position by the county's nine Superior Court judges during a monthly business meeting, said Chief Administrative Superior Court Judge Curtis V. Tillman.



"We offered it to her, and then it was a unanimous decision of all the ... worker. We're very fortunate to have a person of her ability and standing in the community."

In her new job, Gretta Dewald will oversee the pretrial release of eligible defendants who have no money to leave jail on bond before trial.

Mrs. Dewald, 50, is scheduled to begin work in four to six weeks, when the pretrial release program goes into effect.

"I just got word from the judges today, and I was extremely thrilled and pleased that they would offer me this challenge and have the confidence in me to do this program with them," Mrs. Dewald said.

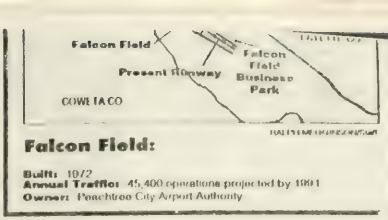
Earlier this month, Mrs. Dewald resigned from her post as DeKalb's highest non-elected official, succumbing to pressure from county commissioners who were dissatisfied with her performance. A new executive assistant has not been named.

In her new job, Mrs. Dewald will oversee the pretrial release

dustries locate there," Mr. Mauget said.

Mr. Good said there were no complaints from local residents when the authority approved the Falcon Field expansion because the new runway will divert air traffic over the industrial park and the proposed Lake McIntosh reservior, further away from residential areas.

"That's one of the things we're proudest of," he said. "There has not been one word of opposition spoken."



Falcon Field:

Built: 1972
Annual Traffic: 45,400 operations projected by 1991
Owner: Peachtree City Airport Authority



Prosecutors Finish DNA Arguments

By Charles Walston
Staff Writer

Cobb County prosecutors finished [illegible]

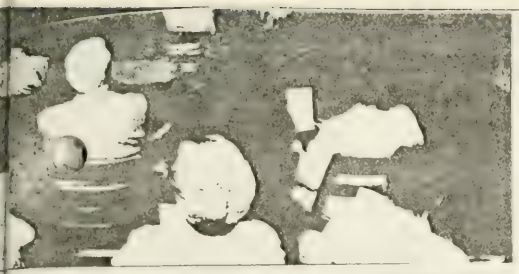


[illegible] a Fulton survey said they'd recycl[illegible] if a program existed

d Favor Recycling in Fulton

[illegible] to m[illegible] with [illegible] not only [illegible]

[illegible]nts plan to [illegible]oject for 4,000 summer or in [illegible]ng upon the [illegible] funding [illegible]ibably will be [illegible] Springs but [illegible] south Ful[illegible] The [illegible] [illegible] [illegible]



CHARLOTTE H. TEAGUE/Staff

Histri- searched, filmed, edited and produced by Roswell High
was re- School's advanced media production class.

Put Roswell in the Movies

History, Documentaries

learn a skill they can build into a career. In fact, a couple of students [illegible]

Dr. [illegible] said she taught a video class at the school six years ago but had to set it aside in favor of other subjects. The drama instructor picked it up again three years ago, and this is the second year she has offered an advanced class.

Dr. Demmond said she offers the class because she wants to give students an opportunity to

[illegible] form of filmmaking, which some media specialists have said will go the way of the dinosaur.

"The challenge to producers is to save the documentary," said Mark, who is independently working on public service announcements on drunken driving. "They are a viable way of giving people information."

approached them with what sounded like a good deal — for $200 up front and another $300 later, they could buy auto insurance.

The couple agreed, so the man went to his car, pulled out a portable typewriter and typed up an auto insurance card. But the couple did not receive a policy.

Only when one of their relatives tried to use the document to purchase a DeKalb County auto tag did the couple learn that the insurance card was a fake.

The couple was not arrested. But at least 10 other people have been arrested in DeKalb and warrants have been issued for about 24 others suspected of knowingly purchasing bogus proof of auto insurance cards. In Fulton County, 28 such misdemeanor cases are pending. Valid cards must be presented to renew or buy motor vehicle tags.

The suspects have been charged with producing false information.

"Information from the county vehicle registration department indicated that a large number of individuals were [illegible]

The investigation [illegible] led to the arrest of a man allegedly selling the fake cards.

Individuals have paid anywhere from $10 to $300 for the bogus cards, most of which carry the name of Brown & Associates, a fictitious insurance firm, Mr. Bowden said.

The Fulton County cases are also mostly from Brown & Associates, according to the Fulton County solicitor's office.

Insurance Department.

The scam crops up every year in metro Atlanta, said Max Busbee, public information officer for the Georgia Insurance Department.

"A lot of times the people buying these things know what they're getting," Mr. Busbee said. "Then there are others who, three months down the line, have a wreck, try to place a claim and find they have no insurance."

Norman Swann, DeKalb's manager of vehicle registration, said the scam has been easier to detect this year because the perpetrators are using the name of a non-existent insurance company. A more wily scheme is to sell cards carrying the names of legitimate insurance companies, but with false or expired policy numbers.

"But these people haven't been that smart. They're using a false insurance company instead of [illegible] one that's legitimate," Mr. Swann said.

Investigators with the DeKalb solicitor's office and the Department of Public Safety so far have confiscated 50 to 60 cards — 34 from people who face misdemeanor charges and the rest from people who convinced police they didn't know they were purchasing bogus cards, Mr. Bowden said.

Candidates for Coverdale Seat Snipe During Forum

By Jim [illegible]

With [illegible] a month before election day, the race for the seat vacated by former Senate Minority Leader Paul Coverdell is heating up, with several candidates taking potshots at presumed front-runners in the seven-person field.

"It's time to start looking at the differences between the candidates," candidate Richard Bell told about 75 people gathered Thursday night for a candidates forum sponsored by more than a dozen northside neighborhood groups at the Atlanta Historical Society.

During the course of the evening, Mr. Bell criticized fellow candidate Michael J. Egan, an Atlanta [illegible] as House Minority Leader, for not attacking the General Assembly strongly enough and for not promising never to raise taxes. In turn, candidate Mitch Skandalakis, a Sandy Springs lawyer, accused Mr. Bell of changing his positions on taxes and proposals to incorporate Sandy Springs during the campaign.

"Richard is confused," Mr. Skandalakis said before the meeting began, saying Mr. Bell had during past appearances endorsed a Republican alternative to the state sales tax while claiming to oppose all tax hikes. "If he wants to play with words, that's fine."

But Mr. Bell, a north Atlanta [illegible] commercial real estate broker, [illegible] never endorsed the alternative tax.

Mr. Bell, Mr. Egan, Mr. Skandalakis, former state Rep. Bettye Lowe, Atlanta businessman John E. Thompson, Sandy Springs businessman F.W. "Buddy" Griffin and Buckhead businesswoman and community activist Mercedes Smith are seeking the seat Mr. Coverdell vacated last month when he was appointed head of the Peace Corps.

All seven candidates are Republicans. A non-partisan election for the Senate District 40 seat is scheduled for June 6.

Mr. Coverdell held the seat, which represents portions of north [illegible] Atlanta [illegible] for Virginia-[illegible] Interstate.

The [illegible] question-and-answer session Thursday produced several questions on transportation proposals for north Atlanta, including the proposed extension of Georgia Highway 400 south from I-285 through the center of the district.

Two candidates — Mr. Egan and Mr. Skandalakis — oppose the extension. Four — Mr. Bell, Mrs. Lowe, Dr. Smith and Mr. Thompson — favor it. Mr. Griffin said he is keeping an open mind.

"I think it is going to help the neighborhoods," Mrs. Lowe said. "I think you're going to like it once it gets built."

DNA Samples in Caldwell Case Not Identical, Witnesses Testify

By Eugene Morris
Staff Writer

DNA samples allegedly linking James Robert Caldwell to the death of his 12-year-old daughter were not identical and should not be introduced as evidence in his up-

from Mr. Caldwell provided only ambiguous matches to genetic samples taken from Sarah Caldwell's body after she was strangled Aug. 16. Blood, semen and saliva samples were collected at the scene.

"From what we've seen here, I [illegible] Mr. Caldwell

The scientists were the first defense witnesses called in the pretrial hearing before Judge Robert E. Flournoy Jr. to determine whether the genetic laboratory tests should be admitted as evidence in the trial, which could begin as early as August. Because of [illegible] the case is [illegible] three

who survived the attack in their Marietta apartment.

Both researchers testified that some samples used during Life Codes' tests may have deteriorated and that the lab may not have taken enough care in examining samples taken from the scene. They [illegible] the laboratory [illegible] the experi-

OCTOBER 31, 1989 ...

DNA Test Botched in Cobb Case, Witness Says

Judge Mulls Use of Data In Murder Trial of Father

By Mark Curriden
Staff Writer

A portion of the genetic evidence that allegedly links James Caldwell to the rape and murder of his 12-year-old daughter was mishandled and so compromised [illegible]



Superior Court Judge Robert Flournoy in a pretrial hearing that Lafe Codes laboratories conducted DNA tests in a "grossly wrong manner" that produced "ambiguous results."

"It appears that Lafe Codes tests were done in an improper order, which leaves the entire results in question," Dr. Adkison testified. "I would be inclined to say there is no match."

Lafe Codes scientist [illegible] test [illegible]

There were "broad enough differences" in the analyses of some of the DNA samples to match up to 2% percent of the white population, Dr. Adkison said.

Mr. Caldwell, 42, an employee of a Marietta tire store, is scheduled to be the second person in Georgia to stand trial on the basis of genetic identification. He is accused of raping and strangling his daughter, Sarah, and dabbing [illegible]

[illegible] Dr. Adkison [illegible]

[illegible] Dr. Rob[illegible] [illegible] and Dr. [illegible] Texas [illegible]

[illegible] DNA [illegible] and [illegible] Lafe Codes [illegible] Dr. Adkison [illegible]

[illegible] Dr. Adkison [illegible]

[illegible] DNA [illegible] and [illegible] Lafe Codes [

down [from the crack high] ... has a drug effect. It lasts long ... feel they get more for the ...

...creases in supplies, demand ...ment center admissions have ...s of an impending heroin ...nd prompted concerns that ...rement, education and treat... ...als ... occupied by co... ...ll be ... by surprise ...e was kind of referred to as ... the '80s and many people in ...tions are now concerned that ...be the drug of the '90s," said ...erl, a narcotics specialist for ...ressional Research Service ...ernment have far underesti... ...neglected it ...erico said. "Everybody's so ... to crack, nobody's really ...

...lives said they had identified a few locations in the city where heroin is being sold, including the East Street Bottoms near the Clark Atlanta University complex, and are trying to develop cases. Much of the local distribution they said, appears to be controlled by Nigerians.

In recent months, U.S. Customs agents at Hartsfield International Airport have arrested about a half dozen Nigerians who tried to smuggle heroin by swallowing balloons filled with the powdery drug, said resident agent in charge William Velasco. "Tri City narcotics investigators arrested a Nigerian couple in Hapeville in early January and seized 28 gram bags of suspected heroin, police said.

Customs and DEA officials say they're prepared for more heroin. "I ...

But other signals of increasing heroin use are not so dramatic.

We are seeing an ever-increasing number of patients with heroin problems," said Jim Driscoll, a spokesman for Grady Memorial Hospital. "It's not that we don't see any but they're very sporadic."

Hospital emergency room cases of heroin in 21 large cities, including Atlanta, have increased steadily since 1985 — from 12,672 to 16,295 in 1988 — but seem to have leveled off in 1989. Heroin-related deaths have risen from 1,433 to 1,860 in that period.

Law enforcement officials "look at different indicators," said Andrea Kopstein, who supervises the federal Drug Abuse Warning Network. "We don't see those huge increases, and I think it's leveling somewhat."



DNA evidence

...Georgia Supreme Court ... Wednesday to allow genetic evidence — so-called "DNA fingerprinting" — from being used in the upcoming trial of a Cobb County man accused of raping and killing his 12-year-old daughter.



Legal experts predicted that the high court's ruling in the case of James Caldwell will be precedent-setting in Georgia and across the nation because never before has the scientific reliability of genetic testing been so thoroughly challenged in a trial court ... of evidence on the question.

...ord for and against DNA testing yet presented in a U.S. court.

Cobb County prosecutors say genetic evidence links Mr. Caldwell to the August 1988 rape and slaying of his daughter, Sarah. Mr. Caldwell also is accused of stabbing his 11-year-old son, Benjamin, who survived the attack.

Officials with Life Codes laboratories in New York testified last year that semen found on Sarah's bed and body genetically matched blood taken from Mr. Caldwell.

"It definitely will be a landmark case, no matter which way the justices rule," Cobb District Attorney Thomas Charron said after the arguments.

"While the justices' ruling will be binding only in Georgia, it is likely to be used as a model in courts across the U.S.," said Bruce Harvey, Mr. Caldwell's lawyer. "This is the first time any appellate court has ever heard as much contradictory evidence."

DNA testing has been used in other criminal cases in Georgia, but defense attorneys did not aggressively attack the results as unreliable.

Mr. Caldwell's defense attorneys claim that Life Codes laboratories mishandled the DNA ... cate one-fourth of Georgia's white population.

"There are no standards for DNA-testing pro... determining these standards," Mr. Harvey told the eight justices. "It's completely unfair to a defen... befor...

...l aliens detained

...agents say ...ing involved

...Miami for processing ...n promised jobs by ...harged them $2,000 to ...border and another ... ... the flights ... ... of those de... ... Atlanta ... ...

Defense says move child-murder trial

By Mark Currkden
Staff writer

One week before James Caldwell is scheduled to stand trial for the August 1988 death of his daughter, defense attorneys are trying to get the case moved out of Cobb County to South Georgia because of negative pretrial publicity.

"This community is so infected that the defendant cannot get a fair trial," Bruce Harvey told Cobb Superior Court Judge Bob [illegible]



James Caldwell

James Caldwell is accused of raping and murdering his daughter and stabbing his son.

first Georgia capital murder case in which [illegible]

raped [illegible] old d[illegible]

several days but survived the attack. He is expected to be a key witness at the trial.

The Caldwell case has received extensive media attention, in part because it was the

Judge Flournoy surveyed 564 jurors who came through the [illegible]

Monday that shows a high percentage of local jurors know about the Caldwell case, and many have decided he's guilty without hearing any evidence.

ready made [illegible] to Mr. Caldwell's guilt or innocence; of that number, 81 percent said they believed he is guilty, while less than 1 percent thought he is innocent.

Attorneys in the case say it is the first time in Georgia such a poll has been conducted to gauge pretrial publicity.

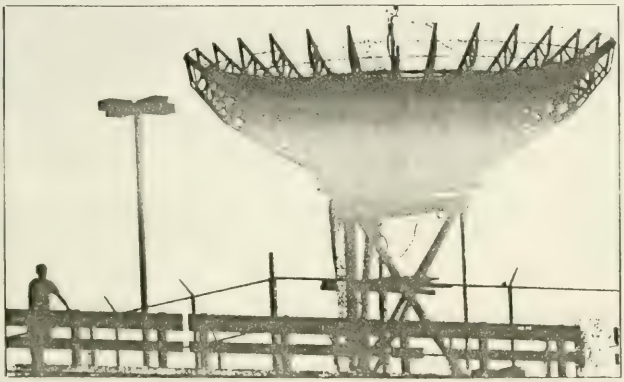
"We should go down to Brunswick, try the case there or bring the jury back up here," Mr. Harvey told the court. "We can go anywhere your honor wants to go, but I prefer the beach."

Judge Flournoy pointed out that 17 percent of those surveyed had never heard of the case.

"There's going to be a lot of technical evidence in this trial," [illegible]

ple who live in Cobb County, but who have never heard of this case."

Prosecutors are fighting the change of venue.



Ben Baxter/Special

Dishing up Soviet culture

Students in Emory University's Soviet-East European studies program have an edge — a satellite dish that picks up live broadcasts of Soviet television. Emory is the only university that monitors Soviet "Channel One" live. The dish is behind the athletic building on the campus.

School chief to stay on in DeKalb

By [illegible]
Staff [illegible]

The DeKalb County Board of Education, amid the uncertainty surrounding its long-standing desegregation lawsuit, voted Monday night to extend the contract of Superintendent Robert R. Freeman through the 1994 school year.

The school board's action means Dr. Freeman will remain at the helm of Georgia's largest school system as it begins complying with a federal court desegregation order. A strong supporter of magnet programs, Dr. Freeman has said he will try to avoid mandatory busing of students.

"We're trying to send a signal to the community and the staff that there's gonna be stability," said board vice chairman David Williamson. "There's not going to be any drastic changes."

Dr. Freeman, 58, came to DeKalb County in 1980 and has led the district through a decade of court battles and racial transition.

When he arrived from the helm of the Pueblo, Colo., school system, DeKalb was 31 percent black. A decade later the system is [illegible]

Cobb pupils frightened when truck hits school bus

By Pat Burson
and Jim Yardley
Staff writers

[illegible] ficials said. The bus was carrying pupils from Argyle Elementary to Berry Patch Farms in Woodstock.

[illegible] Gail



Up a creek: Nancy Eason, who lives on Old Concord Road near the covered bridge in Smyrna, has called state and federal pollu tion control officials about foam and odors on Nickajack Creek, but, she says, "nobody ever seems to want to hear about it."

Commission races head into stretch

Scott, Wise clash in style, philosophy

By McKay Jenkins
Staff writer

Stan Wise describes himself as a "Newt Gingrich Republican" who thinks Cobb County voters are afraid of one thing, taxes. His Democratic opponent, Kathy Scott, says voters should be afraid of Mr. Wise.

The two candidates running for Cobb County's [illegible]

has paid more [illegible] is considered by party officials to be "the first Republican candidate in years to have the credentials to run as a Republican," according to James Hokanen, Cobb's GOP party chairman.

Ms. Scott, on the other hand, has received less than $1,500 in campaign contributions. Before the race began, she was all but unknown outside her neighborhood association, and she has accepted no professional politi-

cal [illegible] people [illegible] on the [illegible] Wise, [illegible] sively [illegible] and poorly informed.

"Look at his money! It's mind-boggling," she said. "Why

Please see EASTERN, G4 ▶

Western candidates resist name-calling

By McKay Jenkins
Staff writer

Susan Brown Harkins calls her opponent "a nice guy" and says that "it's nice to see a race that hasn't been ugly." Bill Cooper considers the race against Mrs. Brown Harkins a relaxed "kickback compared to the primary," when he had to fight both [illegible] and had to beat [illegible]

"There really aren't that many differences between us," said Mrs. Brown Harkins, 53, a Marietta lawyer. "Neither one of us has a record" to be attacked, she said.

Mrs. Brown Harkins did criticize the record of her first opponent — Commissioner Harriet Smith, whom she soundly defeated in the Democratic primary. Mrs. Smith was the only incumbent running for re-election, and her defeat seemed to indicate resentment against those in office.

In [illegible] Smith, [illegible] had to [illegible] which [illegible]

It hasn't been easy. Her greatest concern appears to be that voters will mistake Mr.

Please see WESTERN, G4 ▶

[J]ury selection in Caldwell murder trial a tortuous affair

[M]ark Curriden
[St]aff writer

A week ago Monday, attorneys in the James Caldwell murder trial began jury selection. As Wednesday, they were still at the end of the ardu

of Mr. Caldwell, who [illegible] August 1988 [illegible] order of his 12-year- [illegible] Sarah, is expected [illegible] and hear [illegible] Caldwell, [illegible] be a pri [illegible] her father, [illegible] aggravated assault against the boy.

Attorneys say they hope to complete jury selection by Friday and give opening arguments Monday. More than 50 prospective jurors are needed to get the trial under way. At the close of Tuesday's session, about 40 had made the grade.

Most of the potential jurors have admitted hearing about the Caldwell case, and a few even said they had an opinion as to who killed Sarah. But only one-sixth of them said they could not put aside their opinions and make a decision based on the evidence during the trial, which is expected to take about a month.

Once 50 jurors have been qualified, the selection process will begin. Prosecutors will get 10 strikes, while the defense will get 20. Each side will use its strikes to dismiss jurors it thinks will be sympathetic to the other side. After 12 jurors are selected, four more will be chosen as alternates.

Prospective jurors who say they have a fixed opinion are dismissed from the case by Cobb Superior Court Judge Robert Flournoy.

There are other reasons a juror can be dismissed from serving on the Caldwell case.

Because the state is seeking the death penalty against Mr. Caldwell, each juror is asked his or her opinion of capital punishment. Jurors who answer that they are opposed to the death penalty and could never impose it are released by the judge. Likewise, jurors who say they believe the death penalty should be imposed in all murders also are dismissed.

The questioning of each juror takes about 45 minutes. The

questions asked by the prosecutors are designed to find out if a juror has ever had problems with the justice system.

"We just want to make sure that no juror has a bone to pick with the state, just because they feel we didn't handle a case they were involved in properly," Cobb District Attorney Tom Charron said.

The inquiry by defense attorneys takes more of a scattershot approach, aimed at learning whether prospective jurors know any of the witnesses, or are rela-

Please see JURY, G4 ▶

"I believe either something is wrong with the assessment-setting system or something is wrong with the millage rate," Mr Pattillo told the City Council at its monthly meeting Oct 10

His taxes increased from $437 74 to $913 40 between 1986 and 1990, he said, a 108 percent increase And his fair market value jumped 44 percent in the same period from $84,000 to $121,000

"And if I hadn't fussed about the last assessment, it would have been $128,000 instead of $121,000," Mr Pattillo said

"Either I need to get [the tax assessors] to lose my address or I need to send them to another subdivision," he said

Councilman Allen Hirons raised the issue of inequitable assessments after hearing from homeowners in Marietta's older neighborhoods, it's harder for assessors to go in and to get the information The end result is not fair."

Marietta's Tax Department will study Cobb County property tax assessments within the city, Assistant City Manager Tom Pelegrino said Tax bills were mailed Sept 5 "We will attempt to determine what areas of the city were reassessed this year and what was the rate of change," he said

City Manager Ken Vanderslice himself is unhappy with the county's treatment He said he paid $136,000 for his new house, which subsequently was valued at $170,000 for tax purposes By the time he closed the sale, the time to appeal the assessment had passed, he said

"There was quite a difference

Cobb County undertook a countywide property reassessment to correct what state officials called an underestimated tax digest 40 percent of fair market value instead of the legal requirement of 40 percent Property taxes collected from the adjusted tax digest help school systems comply with state Quality Basic Education guidelines

Councilman Hirons said he would like to examine a system that divides Marietta into quadrants or assesses property by wards so that houses in one area cannot be reassessed until other areas are examined

"The tax assessor's office is looking at the bottom line," he said. "I think the target should be that everyone ought to be treated evenly instead of using one group to fund others who are paying

said "Their tax bills have gone up significantly all increases of 25 to 30 percent in one year "

Harriett Ann Bright of Dunleith subdivision said she and her husband have put their house up for sale and plan to move to Florida after receiving this year's tax bill, which she said was 15 percent higher than last year's

"The average tax increase in Cobb Country was only supposed to be 6 percent, so that's more than double," Mrs. Bright said. "How are people supposed to manage?

"The CPA had pretty much convinced us [to move], and then the tax bill came in and we were really convinced," she said. "We paid almost $2,000 in personal property tax, and that's a lot of money "

Council sets $3,500 fee to license adult businesses

ments, which includes the cost of a background check of the applicant.

The fee is based on the potential demand for the business and how much of a burden that busi-

to those of other municipalities, according to City Councilman Bill Scoggins But a check of metro jurisdictions revealed findings to the contrary. Apparently, no other Cobb municipality has yet set a business license fee for adult nightclubs operate, the business license fee is $50 for companies that collect up to $3,000 a year in revenues. Adult businesses that make more than $3,000 annually pay additional fees based on revenue. A separate license is required for busi-

Concord Road B Tom Graveley's request was denied because the building did not meet code requirements. His attorneys have indicated the case will be litigated.

Jury: Selection in Caldwell murder trial is slow, arduous process

► Continued from G1

tives of police officers, or have

state's evidence against Mr. Caldwell.

Defense attorney Jimmy Berry even asks jurors about his co-counsel's ponytail. "Does it bother you that my partner, Bruce Harvey, has longer hair than you do?" Mr. Berry asked one woman. She answered that it did not.

A central concern for Judge Flournoy is that each juror be capable of sitting through a trial

a local motel throughout the trial

"This case is going to cost us a fortune," Cobb Court Administrator Skip Chesshire said

The judge has called in 96 potential jurors from across Cobb County to be questioned in the case. Each is being paid $25 a

workers who are serving on a jury.

In this case, Judge Flournoy is calling in about 10 prospective jurors a day. He has ordered the other 80 to remain at home and not to go to work or church.

"You can go to the grocery store to get food, but I don't want you

Flournoy told one juror. "I don't even want you to go to work. If your boss calls and says he wants you to come in to work, you tell him I said you were to get two weeks' vacation on the company. And if he has a problem with that, he can call me."

PRENTISS E. PARKER, M.D., FACOG
ANNOUNCES THE OPENING OF HIS OFFICE FOR THE PRACTICE OF ADULT AND ADOLESCENT GYNECOLOGY
1676 MULKEY ROAD S.W., SUITE E
(NEAR COBB HOSPITAL & MEDICAL CENTER)
AUSTELL, GEORGIA 30001
OFFICE HOURS BY APPOINTMENT
TELEPHONE (404) 732-9900

HALLOWEEN FEVER
BELL'S HAS THE CURE... AND EVERYTHING YOU NEED FOR HALLOWEEN TRICK OR TREATING.....
- MASKS - Adult/Child
- COSTUMES - Adult/Child
- FRIGHT WIGS, HAIR TIP and FACE PAINTS
- VAMPIRE TEETH COSTUMES
- WEBB HEAD [illegible]

Douglas Alan de Wolfe

leader.

"Yes, on some issues the clergy influence has waned," said Bo Barnes, a lottery and abortion foe who staked his campaign on the church vote in the race for governor last year.

"But what's happened is not unique to pastors," he said. "It has become more and more difficult in the past few years for votes to be delivered by anybody."

Please see CLERGY, D4 ▶



Pat Swindall

LAWYER TO

ordered a
Favors, charge
traffic death of
Favors, 44,
told Judge Car
Judge Shafer s
habitual offend

WHALE WATCH

ronmentalists, t
canceled plans
Animal wat
fund raising tr
Dixie D

Son testifies he heard dad



In the Capitol murder trial of Ben Caldwell, Ben Caldwell was the key witness.

clean my wounds. I got in the tub and laid in there and the water got all bloody. So I let that water out and filled it up again. The next thing I know, I woke up in the hospital."

Defense attorney Larry Berry

about the incident, Ben told the jury that he was awakened Aug. 16 by "banging and clanging noises" at his home in the Rolling Hills Apartments in Marietta. He said he looked over and briefly saw his father standing in the doorway. When his father left, he says he went back to sleep.

"Then I remember my dad coming to the door, calling my name," Ben testified. "He sounded cross, mad. I knew it was his voice. About five seconds later, I was hit on my side. His voice was

"The next thing I remember is waking up, leaning against my door. I was dizzy. I looked down

who did it. Then he said, I think it

"In his initial police interview, he gave police a description of a man he let in the house. The description looked nothing like James Caldwell."

Mr. Berry said the state's case is based on "a lot of speculation."

"This case is a puzzle with a lot of missing pieces," he told the jury. "The real question is: Who did this?"

Cobb County District Attorney Tom Charron conceded that neither Ben nor anyone else witnessed

"But pubic hair found on Sarah is consistent with those taken

ron said in opening statements

victim's bed matched Mr. Cald-

Jump to page A11, Col. 4 ▶

2

Ture has given
almost
Raymond
animals and
three opossums
leased Saturda
thorities raided
ty of Villanow
Thirteen do
ter Agriculture
fering seriousl
Rochart exe

General
eral Lee only
River Game
Mr. Killing
who he said he
age. He said t
the unveiling
According
row and sees
six more were

GAMBLING

law enforcem
several home
searching
Officials f
Augusta pol

Smith said
items had b

Caldwell: Son says he heard dad's voice

► [illegible] Page D1

[illegible] upheld the use of DNA testing in an earlier challenge by Mr. Caldwell's attorneys.

Prosecutors have not said what they believe the motive in the slaying to be.

"The Caldwells were not the typical American family," Mr. Charron told the jury. "Eight years earlier the defendant had abandoned his family. He [illegible] back the defendant had moved in with his family."

Ben told the jury he was happy that his father had returned home.

"I loved it," he said. "I had never seen him before."

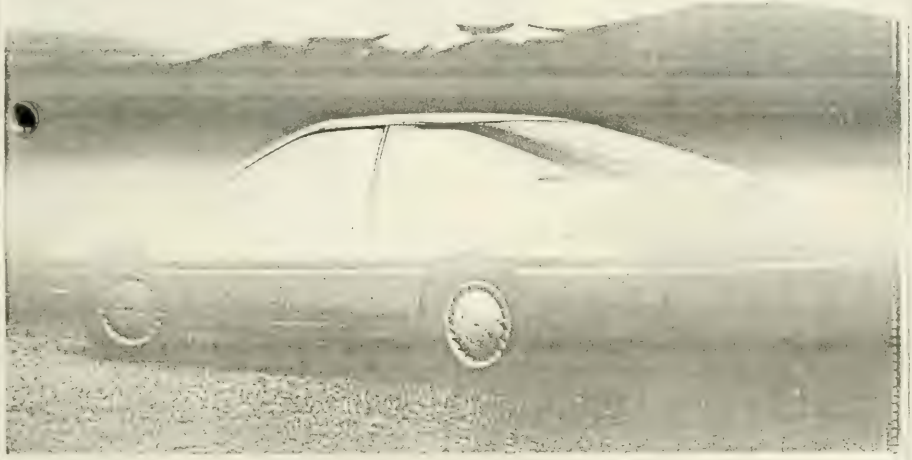
When Kay Caldwell came home from work, she found her son Ben, face down in blood and bath water, Mr. Charron said.

"She cut the sash from his throat and called police," he [illegible] "He ran to Sarah [illegible] for a pulse but found none."

Sarah had been raped and died of strangulation, Mr. Charron said.

"Miraculously, Ben survived," Mr. Charron said. The youngster was in a coma for two days, but within a week was able to talk to police.

The trial, moved from Cuyahoga County to Columbus because of pretrial publicity, [illegible]



Its performance makes it hard to pass by.

So does getting $1047 worth

16-7 OK sends lottery to full House



Measure likely up for vote Thursday

By Charles Walston
Staff writer

A statewide lottery cleared a major hurdle and moved on to a historic vote on the House floor on Tuesday, as the House Industry Committee approved Gov. Zell Miller's proposal on a 16-7 vote.

Speaker Tom Murphy is expected to call for a House vote on the measure Thursday. As a proposed constitutional amendment, it will require 120 votes — two-thirds of the chamber — for passage.

Mr. Miller and [illegible] inched to predict victory on the [illegible] of the campaign for governor.

"I feel like we've gone up one flight of stairs, and now we've got another flight of stairs that we've got to go up a little bit deeper," Mr. Miller said.

The hearing was conducted in the largest committee room in the Capitol, and an overflow crowd watched in the hallways via closed circuit monitors.

More than 30 witnesses lined up against the measure. They plan to continue their lobbying efforts, but some admitted that Mr. Miller may have enough votes to get it through the House.

"We have a chance, but we're up against some very powerful forces," [illegible] Georgia Council on Moral and Civic Concerns, an anti-gambling group funded by Southern Baptist and United Methodist churches.

"When the governor of the state is pushing it, it makes it a different effort."

If the House passes the lottery proposal, it would go to the Senate, which approved a similar measure two years ago when Mr. Miller presided as lieutenant governor.

Last year, the Industry Committee killed a lottery bill on an 11-6 vote. Tuesday's turnaround was the result of nine new members on the panel and a belief that Mr. Miller's election showed a public desire to vote on a lot-



Ben Caldwell, 13, testifies against his father, the suspect in a 1988 attack that left Ben with multiple stab wounds and his sister dead in their ho[illegible].

Rape-murder linked to porn

Prosecutors say father, girl watched videos

By Mark Curriden
[illegible]

[illegible] County [illegible] [illegible] [illegible]

By Susan Laccetti
Staff Writer

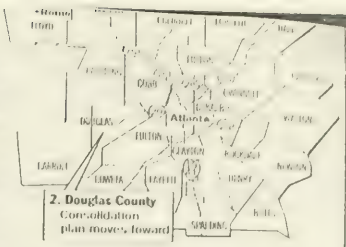
The remains of an unknown Confederate soldier, found weeks ago when contractors were widening the Alabama Highway in Rome, will be buried with a military ceremony Saturday at the city's Myrtle Hill Cemetery.

About 50 members of the Georgia Division Re-Enactors Association, which stages authentic Civil War events, will coordinate the ceremony, including a five-block march to the Confederate section of the local cemetery.

The remains of the rebel soldier will lie in state Friday at the First Christian Church in Rome. The casket will be draped with a Confederate flag.

"Here is a man who left his family and friends to fight for a cause he believed in, and we believe they deserve the recognition of a decent Christian burial," said Frank Benson, commander of the Georgia re-enactment group. "We are amateur historians, and our interest is in this period."

The rebel soldier was probably killed during Gen. William T. Sherman's May 1864 siege of Rome. Contractors found bone fragments, but



boards voting to have state Rep. Tom Kilgore (D-Douglasville) introduce a legislative bill that would create a charter committee.

The committee, expected to have 12 to 15 members, would study consolidation of the two governments and come up with recommendations in about a year, said Douglasville Mayor Charles Camp. The issue would then go back to the voters for approval.

Voters last November narrowly supported consolidation in a straw poll.

Videos: Part of evidence in murder-rape trial

▶ Continued from B1

slaying of his 12-year-old daughter and stabbing of his 10-year-old son. The state is seeking the death penalty in the trial, moved here on a change of venue.

Through the questioning of Mrs. Caldwell and statements made outside the presence of the jury, prosecutors made it clear Tuesday they believe Mr. Cald-

They would play around tickling each other and she would sit on his lap and they would tickle each other," Mrs. Caldwell told the jury. "They would pinch each other; he would pinch her on her breast."

Mrs. Caldwell testified that in the months preceding her death, there were noticeable changes in Sarah. "She cried easily. She wouldn't confide in me as much. And her grades dropped drastically, from A's and B's to failing," Mrs. Caldwell testified.

During cross-examination Tuesday, Ben repeatedly denied or said he didn't remember making statements to police which conflicted with his earlier testimony.

In one interview with police, Ben said he didn't know who did it. He later told police he had let a man in the house and that was the person who did it, giving a detailed description of the man.

On Aug. 22, 1988, detectives asked Ben if it was his father.

"Yeah," the boy replied. "I'm just going to blame it on him right now."

"Ben asked me the next day why his dad wasn't there at the hospital with me, and I said he had been arrested," Mrs. Caldwell told the jury. "Ben was relieved. He said he was afraid his father was going to come through the window and try to kill him again."

He told police he was "acted sincerely upset" when he heard about his daughter's death and the attack on his son.

But that night, Mrs. Caldwell said that while she couldn't sleep because she was so upset, Mr. Caldwell "slept like a rock."

GOING OUT OF BUSINESS
Books!
• Today thru Sat. 9 to 9; Sun., 12 to 6
SOUTHERN HIGHLANDS BOOKS
150,000 BOOKS
NORTHEAST PLAZA
Biographies, Religious, Auto, Civil War, WW II, History, Collectible, Music, & much, much

Metro & State

THE ATLANTA CONSTITUTION

Boy struggles with emotional scars from 1988 horror

By Mark Corbitt

COLUMBUS — Thirteen-year-old Benjamin Caldwell carries five long scars on his back and chest, but no one can count the scars on his soul.

It's been more than 2½ years since he was left for dead in his Cobb County bedroom, bleeding from stab wounds caused by scissors or a knife. The months since have not been kind to him or his mother.

When I go to PE [physical education], the other kids see my scars and always want to know what [illegible]



Kay Caldwell and her son, Ben, agree Ben's lost faith in people he once was close to. His father, James Caldwell, is charged with stabbing Ben and raping [illegible]

He wanted to [illegible]

"I'm just glad to finally get [my testimony] over with. The trial has been delayed five times. I didn't think it was ever going to happen."

Ben Caldwell, 13
Incident against father in murder trial

charged with the rape and murder of his 12-year-old daughter Sarah and aggravated assault against Ben.

Ben testified Tuesday that he was confident it was his father who entered his bedroom on Aug. 16, 1988, as he [illegible] stabbing. Later, he pretended [illegible]

ever going to happen."

"I was scared to death about testifying," he says. "I thought the attorneys were going to be real tough and there would be cameras and reporters everywhere. But I [illegible] other [illegible] be that [illegible]

[illegible] watching pornographic videos. And her.

Marietta police detective Billy Groppuso told the court that police were alerted to pornographic videotape at Mr. Caldwell's home that featured an older man having sex with a young girl taking piano lessons and another "young Girl Scout" who had come to the door selling cookies.

Marietta Detective Walter Parker read jurors an interview he had with Mr. Caldwell the day of the incident.

"Have you ever had sexual thoughts about [illegible]" Mr. Parker asked.

"[illegible]

scam to lure rape victims

By Kathy Scruggs
Staff writer

Two men offering bargain prices on silk clothing have lured [illegible] women from the Five Points [illegible] month to a secluded [illegible] Board, where three of them were sexually assaulted, police said Wednesday.

The attacks, the apparent [illegible]

Police in Downtown's Zone 5 were briefed Wednesday to be on the lookout for the men — described as very neat and articulate. One, known as "Teddy," smoked a pipe.

Officers were told "that they had established a pattern and to be on the lookout for them," said Zone 5 police Sgt. J.W. Bridges.

At first we thought we had [illegible] two more people," said a 32-year-old woman raped on Jan. 21 after she and a friend met the men at an Underground Atlanta bar. "They told us that they had clothes in some warehouse and [illegible]

[illegible]



Walter Shaw/Staff

After a discussion on gender stereo-types, students in Carol Cail's sex-education class listed things they feel they must do because it's expected of their gender. This was the males' list.

Miller's sexed plan has a snag

Educators say high school's wrong target

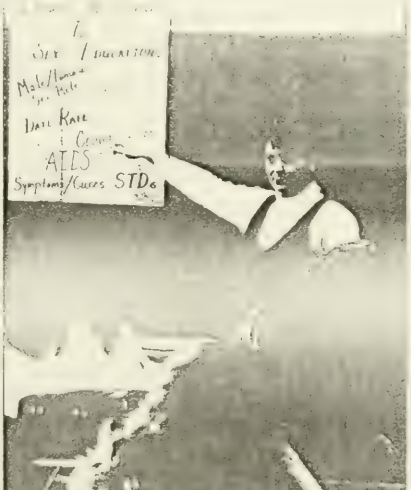
By Betsy White
Staff writer

Gov. Zell Miller has pledged to spend $750,000 to train 2,000 high school teachers to carry out a crusade for straight-talking sex education.

The only snag: Educators responsible for health say they don't really want the money — not for [illegible] anyway.

[illegible] all the additional [illegible] for something [illegible] to actually have," said Glor[illegible]

[illegible]



Alvin Hall/Staff

Milton High [illegible] a class [illegible] Education at [illegible] High School.

▸ [illegible] D3

ready doing."

[illegible]

[illegible] drawn to similar hopes.

High school [illegible] about

[illegible] ▸▸

holds the line on tax rate

But reappraisals will jack up bills

By David Corvette
Staff writer

Fulton County commissioners rejected a property tax increase Wednesday, adopting instead a 1991 budget that eliminates more than 400 vacant positions.

But many taxpayers will still find higher tax bills in their mailboxes [illegible] Results of the first [illegible]

[illegible]

[illegible]

[

Caldwell: 13-year-old boy embittered by '88 horror

▶ Continued from D1



In a coma for 48 hours after the attack, Ben was near death several times, doctors say

In the past year, his grades have slipped. "Now, he's got to put all this behind him and work on getting those grades up," Mrs. Caldwell says.

"He's never tried to contact me since this happened," Ben said in a flat, matter-of-fact tone. "But an apology wouldn't do any good. If he wrote me, I

death, possibly or even less slowly."

"I'm not PC; I got a bad attitude about it, but I want to see him die."

Three Fort Benning protesters surrender

The Associated Press

COLUMBUS — Three protesters facing charges of throwing bottles of blood at the U.S. Army School of the Americas [illegible]

Charles Liteky, 59, a Vietnam veteran, his brother, J. Patrick Liteky, 50, and the Rev. Roy Bourgeois, 52, were arrested [illegible]

BATHTUBS & TILE REGLAZED
UNIQUE REFINISHERS
Atlanta 945-0672
State Wide 1-800-142-0048



These Treasure Hunters Struck It Rich In The Classifieds

You can be a winner, too. Check today's CLASSIFIEDS for more great prizes at unbelievable prices. You just might find a bargain you'll treasure for a lifetime.

To find out how to play TREASURE HUNT, turn to the Classified index in today's paper.



...full time starting next month

...announced ...said ... manager for Southern Bell. Mr. Henderson ... came to county government with no previous public experience.

Born April 11, 1928, Mr. Henderson was diagnosed with polio at age 26. He was placed in respiratory ward at Grady Memorial Hospital in Atlanta and was confined to a wheelchair for more than two months.

In interviews about his plans in recent months, Mr. Henderson admitted being weary of the con...

Please see **HENDERSON, G5** ▶

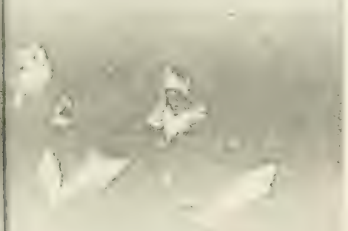


Making it official: Mack Henderson, who has survived some political broadsides, was hired on an interim basis 14 months ago.

Caldwell case

...ff gives kids a briefing





Caldwell's ordeal: 3½ years, 3 trials, a mountain of motions

BLOCKBUSTER: With 600 motions filed and 70 witnesses, the child rape-murder case has assumed mammoth proportions.

By Mark Curriden
Staff writer



James Caldwell: Defendant is accused of raping and killing his 12-year-old daughter, Sarah, and stabbing his son, Ben, then 10

COLUMBUS - The courtroom was silent as Kay Caldwell testified about every aspect of her [illegible] their sex life was like.

Then came the question that shocked the courtroom Tuesday afternoon: "Did you and the defendant ever argue about when Elvis died?" Cobb Assistant District Attorney Russ Parker asked.

"Yes," Mrs. Caldwell replied. "It was on Aug. 16, and he said it wasn't."

Immediately, Mr. Caldwell's attorneys jumped up to object. For the next 15 minutes, prosecutors and defense attorneys argued outside the presence of the [illegible] Superior Court Judge Robert [illegible] relevance of the Elvis Presley [illegible]

Such has been the history of the case of Mr. Caldwell, who is on trial in Columbus, accused of raping and killing his 12-year-old daughter, Sarah, and stabbing his son, Ben, then 10 years old, on Aug. 16, 1988. Ben, now 13, survived and testified earlier this week. The state is seeking the death penalty.

"If there's an easy way to do things and a hard way to do things, we [illegible] Judge Flournoy chided the lawyers, who have been at each other's

JAN

1991

Mode... 4467

Caldwell: Case is a blockbuster

► Continued from G1

nearly 2½ years ago. "I think you all just like getting under each other's skin."

Indeed, this case has been set for trial more than a half dozen times, only to be delayed by new motions, appeals or scheduling problems.

ed to the jury.

Getting the trial under way took several months. Attorneys started selecting a jury in Cobb County in November, but after interviewing more than 70 potential jurors over a two-week period, both sides agreed the trial needed to be moved out of the Atlanta area because of intense pretrial publicity.

Attorneys began selecting jurors once again Jan. 15. It took two weeks and one day to pick the panel of 12, plus four alternates. The trial itself is expected to take three to four weeks.

"After we got that last juror, I had to pinch myself to make sure it wasn't a dream," Cobb District Attorney Tom Charron said.

SPA & HOT TUB SERVICE
10 Years in Metro Atlanta
Prestige BATH & SPA 973-9261

CANTON E.N.T. CLINIC
Woodstock location is now open.
Kingston Office Park
1715 Hwy 92 West
924-1515

Kennesaw Park battles tight budget

► Continued from G1

book won praise from Ed Iwatsuki, chief historian for the federal Department of the Interior.

Such projects would be impossible without additional funds from the historical association, Sue Alexander, its business manager. She administers the park's bookshop, which has been expanded and is experiencing booming sales.

to early June. Marietta and Cobb County police have been working to help improve traffic flow, Mr. Steeler says, and "things are much improved" from the 1970s and '80s.

With 720,000 visitors in 1990, Kennesaw park has had to scramble during peak seasons to accommodate the flood of visitors. Crowding and erosion along the 16-mile trail system led to a

and my effort here is to keep that usage down to a minimum along the park."

Of particular concern to Mr. Steeler is the land near Kolb's Farm, an 1836 log house at Cheatham Hill and Powder Springs roads. As Marietta grows, "the pressures to change it from residential to commercial get greater," he said. An attempt to build a strip mall across from

But not only Civil War buffs are visiting the popular park. The most visible and colorful park enthusiasts are people participating in what Mr. Steeler calls "the annual spring fling with the teenagers." Local youths cruise the park on weekends to socialize and enjoy warm spring weather, clogging the surrounding roads from mid-March

Mr. Steeler monitors the park's flanks for creeping commercial zoning. "The key to zoning pressures is getting Cobb County to use its comprehensive land-use plan," he said. "We worked with Cobb County planning and zoning to ensure some kind of protective buffer so the area around the park is low [density] residential use. If you look to the north, it's warehousing,

to four lanes with a divided median.

Mr. Steeler will showcase Kennesaw Mountain Battlefield Park on Aug. 25 at a diamond anniversary party celebrating the 75th year of the National Park Service. At the party, sponsored by the historical association, about 350 people will pay tribute to the popular Cobb County park.

SALE ENDS Tuesday 2-5-91
24" Log sets Starting at $99.99
GAS GRILLS
28 Grills on Display
• WEBER
• SUNBEAM
$78.88



FEB

1991

and student affairs

The chancellor of the university system, H

Above that, research universities such as the University of Georgia and Tech took big

cent but the part-time faculty to

courses.

At any time of day, teacher's a call away

By Robert Anthony Watts
Staff writer

Gloria Martin, a working parent, finally has a way to keep in regular touch with her child's teachers.

Any hour of the day she can dial an automated telephone line at the DeKalb County school and get a recorded voice: "Welcome to the McNair Junior High School Homework Helpline. For the principal's message, press 1, for the [illegible] Helpline, press 2, [illegible] information, press 3 . . ."

[illegible]

the [illegible] the day, [illegible] it may be late in the evening, and it's often not easy to call the teacher."

Such automated helplines match an increasingly familiar technology with today's hurried lifestyles that leave many parents unable to be a part of their children's schooling.

The systems are now in about 50 schools in 14 states, according to Jerold Bauch, director of the Betty Phillips Center for Parenthood Education, a research center at Vanderbilt University.

McNair is the second school in metro Atlanta to test such a system. Studies show the average teacher has contact with only two or three parents a day, Dr. Bauch said. "So that means if that teacher teaches 25 children, then 22 of those families don't get any information from teachers."

Communication companies are trying to sell the systems to schools. BellSouth Advanced Networks offered the [illegible] system [illegible] [illegible] last [illegible] [illegible]

[illegible] this month. The cost ranges from $8,000 for a school of 500 students to $16,990 for a school of 2,000 students.

Since the automated helpline was installed at McNair Junior High, parents have made an average of 390 calls a week, according to Principal Vernon Murray. "And that would include some calls being made at 1 or 2 o'clock in the morning, a few calls on weekends also," he said.

Lawyer Harvey's illness postpones murder trial

From staff and wire reports

COLUMBUS — The murder trial of James Caldwell was suspended Saturday when defense attorney Bruce Harvey of Atlanta suffered a possible heart attack.

Mr. Harvey, 40, was treated at a Columbus hospital early Saturday and was to return for tests, said co-counsel Jimmy Berry of Marietta.

The trial is expected to resume Monday morning. Mr. Caldwell, of [illegible], is charged with the [illegible] murder of [illegible] and the [illegible] was [illegible] a police [illegible]

Mr. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] judge and a Superior Court [illegible]

Mr. Harvey has taken other unpopular cases, including the appeal of an AIDS victim convicted of attempted murder for biting a police officer, and the case of a juvenile who was convicted of firebombing the Clayton County office of the NAACP.

He is a member of the board of directors of the American Civil Liberties Union and has served as a consultant to the National Organization for the Reform of Marijuana Laws.

The flamboyant lawyer, known for his long, graying pony tail, explained [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Caldwell gets life in murder

By Mark Curriden
Staff writer

COLUMBUS — In a decision that surprised a packed courtroom, a jury



Photos by Marlene Karas/Staff

August 1
[illegible]
and the stabbing of her
10-year-old son, Jacob.

Cobb Superior Court Judge Robert Flournoy sentenced Caldwell to two consecutive life prison terms on the rape and murder charges, 30 years for aggravated child molestation and 20 years for aggravated assault. He will be eligible for parole in 20 years.

"We had no optimism that this jury was going to do anything but give our client the electric chair," said defense at-

its cabbies.
after Mr. Arrington's
e city hired a retired
el, Joseph Hall, to head
of Taxicabs and Vehicles

ll, the county, the mayor
d with complaints," re-
dall, describing his first
"That doesn't help

passenger complaints

Legal experts have monitored the trial because it is the first time in Georgia and one of the first times nationally that a capital murder case was based mainly on DNA fingerprinting evidence.

Experts testified blood samples taken from Caldwell genetically matched semen taken from Sarah's body.

Several jurors, who spoke on condition they not be identified, said the DNA evidence alone did not convince them.



Ga. Tech student drowns in Carolinas

A Georgia Tech graduate student slipped 50 feet to his death Saturday in a swirling pool just above Lower Whitewater Falls near the South Carolina-North Carolina border.

Ching-Man Kwan, 25, of Los Angeles was forced to the bottom of the cold pool in the rapids and drowned, according to Oconee County, S.C., Coroner Ted Durham.

Mr. Kwan, an electrical engineering student at Tech, was hiking about 3 p.m. on the edge of a 400-foot-high cascade in northern

[illegible] pulled the body from the water.

Mr. McDonald said the three had planned to spend the night camping near the falls. He said he was familiar with the terrain but the hike was a first for his two friends.

CARROLL COUNTY COUPLE SERIOUSLY BURNED IN COBB: A Temple man and his wife suffered serious burns Saturday when a can filled with diesel oil exploded as they tried to light a fireplace in a house near Kennesaw, Cobb County police said.

Carl Lambdin, 32, of 1440 Frances White Road in Temple, w[illegible]

[illegible] Cobb County medical exa[illegible]



A Valentine's dance with Daddy C9

THE ATLANTA JOURNAL-CONSTITUTION

Cobb EXTRA

Parents act out anger over ne

Smyrna mayor already lookin

McEachern wrestlers' third titl

by
Staff writer

COLUMBUS — Two hours after a Muscogee County jury sentenced James Robert Caldwell to life in prison instead of death for the 1985 rape and murder of his 12-year-old daughter, Sarah, and stabbing of his 10-year-old son, Ben, one of the jurors sat on the courthouse steps, rethinking her decision.

"I don't know about this case," she said. "It was awfully confusing. On one hand, I am convinced he did it. On the other hand, I'm not sure it happened the way [prosecutors] said it did.

"Why," she wondered aloud, "would a man just w[illegible] his d[illegible] but s[illegible]

"[illegible] believe [illegible] sure [illegible] to death," the juror concluded. "I think a couple of others thought the same thing."

After the jury deliberated only two hours Saturday before finding Caldwell guilty of the attacks, most observers, including the attorneys on both sides, thought a death sentence was assured.

Defense attorneys and prosecutors opined that jurors may have reached a compromise in their minds that they were "pretty sure" Caldwell was guilty, but there was enough doubt to save him from the electric chair.

"So jurors thought to themselves: 'OK, I'll vote to convict him, but I will never vote for the death [illegible]," defense attorney Jimmy Berry [illegible]

troubled u[illegible]

Among [illegible] the trial, there were [illegible] a chance the jury would acquit Caldwell. "The state's case was not as clear-cut as everyone was led to believe," said defense co-counsel Bruce Harvey.

A review of evidence presented in the trial indicates why the members of the jury apparently had enough misgivings about the case to stop short of a death penalty.

▶ The state's first witness was Ben, now 13, who was stabbed five times in the back and chest. Ben testified that he heard his dad's voice "just five seconds" before he was attacked. He admits he never saw his attacker.

[illegible]



The c[illegible]
fa[illegible]

Smyrna police may sue over pay

by [illegible]
Staff writer

[illegible]



City, 'T compet conven

Mayor-elect [illegible]

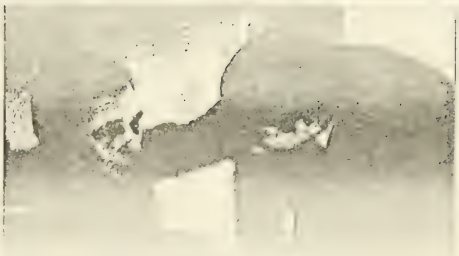
[illegible] wants the ca[illegible]

Caldwell: Case had unexplainables

► Continued from G1

However, in several statements given to police a week after the incident, Ben said he remembered his father coming to his bed.

tectives said one of the tapes featured an adult being visited by two young girls, one dressed in "Mary Jane shoes," and the other dressed in a Girl Scout uniform.



► Author[illegible] the back door to the Caldwells' Marietta [illegible], marked with a boot print. **After he attacked his children, prosecutors say, Caldwell went outside and kicked the door in to make police believe someone had broken in and attacked Ben and Sarah. The boot print was consistent with boots owned by Caldwell.**

Defense attorneys pointed [illegible]

[illegible] together.

► Dried b[illegible] well's truck [illegible] with Caldwell's and Ben's. Defense attorneys pointed out that **Caldwell changes tires on heavy machinery, and frequently cuts and scratches his hands. "That blood could have been on there for weeks," Mr. Berry said.**

► Medical examiners testified that Sarah's fingernails were badly torn, as if she had

[illegible] away to have sex when they were teenagers.

But defense attorneys are quick to point out that a medical examination of Sarah showed no signs of sexual abuse. Sarah, Kay Caldwell told the jury, actually

"Wh[illegible] Sarah into the parents' bedroom?" Mr. Charron asked jurors. **"Kay Caldwell testified that she changed the bedsheets the day before the attack, and there was no blood on the sheets."**

Prosecutors also pointed to [illegible]

[illegible] fined to see if there was any human tissue present.

"Police officers and Kay Caldwell saw Mr. Caldwell without a shirt a couple of times during the two days immediately following the incident," Mr. Berry said. "And Mr. Caldwell's scratches came from where he

[illegible] found on Caldwell's cloth[illegible]

County," Mr. Berry responded. "Don't you think if he were trying to run away from [illegible] he would head for Mexico?"

► In presenting DNA evidence to link Caldwell to the crimes, state witnesses, who jurors said were very convincing, testified that semen samples taken from Sarah and the bedsheets match blood taken from Caldwell.

But experts for the defense

was "more consistent" with Ben's.

► Each side had its unexplainables.

Witnesses told the jury that when he first learned of the attacks, Caldwell became physically sick and started vomiting. Defense attorneys also say that despite all the blood found all over [illegible] found on Caldwell's cloth[illegible]

Ener[illegible] a mu[illegible]

Director u[illegible]

By McKay Jenki[illegible]

With so m[illegible]

foreign oil," [illegible] rector of the [illegible] fice, said on a last week.

"The econ[illegible] United States energy use," M[illegible] "There are enor[illegible] nities to decrea[illegible] on Persian Gulf [illegible] ing existing tech[illegible] fluorescent bul[illegible] incandescent [illegible] efficient car[illegible]

eight or nine[illegible] "It's tragic th[illegible] a better job."

On the un[illegible] creasing the [illegible] Mr. Hansen s[illegible] ergy saving

Kenneth Hardwick.

1. Pan, Philip. Missing Gwinett Infant Believed to be Kidnapped...Atlanta Journal. Jul 5, 1992; sec D, p 6, col 1.
2. Mom Clings to 'Only Hope'...Atlanta Constitution. Jul 6, 1992; sec C, p1, col 4.
3. Torrance, Kay. Father of Missing Baby Takes Lie-Detector Test...Atlanta Constitution. Jul 7, 1992; sec D, p3, col 5.
4. ---. Authorities to Continue Hunt for Baby...Atlanta Constitution. Jul 8, 1992; sec C, p3, col 1.
5. Callers 'Really Want to Help'...Atlanta Constitution. Jul 9, 1992; sec XJ, p1, col 4.
6. Torrance, Kay. 50 Volunteers join Search for Missing...Atlanta Constitution. Jul 9, 1992; sec C, p3, col 1.
7. Johnson, Rob. Police Going All-Out in Baby Case...Atlanta Journal. Jul 11, 1992; sec B, p1, col 2.
8. Torrance, Kay. 600 Look for Baby; Rumor Confirmed...Atlanta Journal. Jul 12, 1992; sec B, p6, col 1.
9. Johnson, Rob. Gwinnett Divers Come Up Empty...Atlanta Constitution. Jul 14, 1992; sec F, p4, col 1.
10. A Happy Past, a Painful Present...Atlanta Constitution. Jul 16, 1992; sec C, p1, col 3.
11. Johnson, Rob. Two Accounts of Where Baby Disappeared...Atlanta Constitution. Jul 17, 1992; sec G, p1, col 5.
12. Noel, David. Angry Neighbor goads Hardwick...Atlanta Journal. Jul 18, 1992; sec B, p2, col 1.
13. Johnson, Rob. Father Sticks to Story...Atlanta Journal. Jul 18, 1992; sec B, p1, col 1.
14. Detectives Sift Tips in Hunt for Missing Girl...Atlanta Constitution. Jul 21, 1992; sec D, p1, col 1.
15. Torrance, Kay. Was Haley Kidnapped?...Atlanta Constitution. Jul 22, 1992; sec c, p7, col 6.
16. Johnson, Rob. Police: Tips Help Keep Search...Atlanta Constitution. Jul 23, 1992; sec E, p2, col 6.
17. Morehouse, Macon. Police Searching for Infant...Atlanta Journal. Jul 25, 1992; sec D, p5, col 1.
18. Johnson, Rob. Haley Hardwick's Mysterious Journey...Atlanta Constitution. Jul 27, 1992; sec D, p1, col 2.
19. ---. Missing Baby's Mom: I'm Telling the Truth...Atlanta Constitution. Jul

28, 1992; sec C, p1, col 4.
20. Editorial. Death Be Not Proud...Atlanta Journal. Jul 29, 1992; sec A, p 8, col 1.
21. 'Mud Flats' Was popular with Bikers...Atlanta Constitution. Jul 29, 1992; sec A, p8, col 1.
22. Johnson, Rob. A Short Life, a Shallow Grave...Atlanta Constitution. Jul 29, 1992; sec E, p1, col 2.
23. Police Set Meida Trap to Help Trip Hardwick...Atlanta Constitution. Jul 29, 1992; sec A, p1, col 5.
24. Torrance, Kay. Reporters Carry Out Vigil at Haley's Mother's Door...Atlanta Constitution. Jul 30, 1992; sec XJ, p1, col 2.
25. Mourners Gather at Haley's Grave...Atlanta Constitution. Jul 30, 1992; sec D, p2, col 3.
26. Johnson, Rob. Police: Witness Saw Father Near Grave...Atlanta Constitution. Jul 30, 1992; sec D, p1, col 1.
27. DA's decision to Seek Harwick's Execution...Atlanta Constitution. Jul 31, 1992; sec XJ, p1, col 1.
28. Williams, Mara Rose. D.A. Wants Death Penalty for Hardwick...Atlanta Constitution. Jul 31, 1992; sec C, p2, col 3.
29. Morehouse, Macon. 'We Felt We Had to Be Part of It'...Atlanta Journal. Aug 1, 1992; sec XJ, p1, col 2.
30. Johnson, Rob. Public Bids Adieu to Haley...Atlanta Journal. Aug 1, 1992; sec F, p2, col 3.
31. A Father Sees Himself in Kenny Hardwick...Atlanta Journal. Aug 1, 1992; sec F, p1, col 1.
32. Editorial. A Face for the Children No One Knows...Atlanta Journal. Aug 2, 1992; sec F, p6, col 1.
33. Slater, Joyce. Wy the Tradegy of Haley Hardwick Feels...Atlanta Journal. Aug 2, 1992; sec F, p1, col 1.
34. Hauptman, Michael. Death Penalty is Inappropriate...Atlanta Journal. Aug 4, 1992; sec A, p7, col 1.
35. Hansen, Jane. Harwick Baby's Death Only Part...Atlanta Constitution. Aug 4, 1992; sec E, p1, col 1.
36. Torrance, Kay. Hardwick is Indicted...Atlanta Constitution. Aug 5, 1992; sec E, p1, col 1.
37. Editorial. No Case for the Death Penalty...Atlanta Constitution. Aug 10, 1992; sec A, p10, col 1.
38. Hardwick, Kathy. A Greater Purpose...Atlanta Constitution. Aug 26, 1992; sec A, p10. col 6.

39. Kloer, Phil. Hardwick Case Anchors '48 Hours' Premire...Atlanta Constitiution. Sep 16, 1992; sec D, p1, col 3.
40. '48 Hours' Tracks a Time of Tradegy...Atlanta Constitution. Sep 16, 1992; sec Xj, p1, col 4.

From staff and wire reports

Missing Gwinnett infant believed to be kidnapped

By Philip P. Pan
STAFF WRITER

Gwinnett County police Saturday were trying to piece together the perplexing disappearance of an 8-month-old Lawrenceville child whose father told police she was apparently kidnapped.

Investigators said there was [illegible] Saturday, but [illegible] found nothing.

The child's father, Haley Hardwick, 22, told police he was taking the infant to visit her grandmother Friday night, and stopped to help two men who appeared to be having car trouble at about 9.

When he returned to his pickup, his daughter, Haley Krystyne Hardwick, was gone, he said. Her car seat was unbuckled and empty.

Gwinnett authorities said they are treating the disappearance as a kidnapping.

Police on lookout for 2 men

Police are looking for the two men Mr. Hardwick said were in the other car: white males with brown hair and of medium height. One had a pony-tail and the other a Fu Manchu mustache. They were driving a dark two-door 1978 or 1979 Pontiac LeMans, Mr. Hardwick told police.

The baby was wearing a black one-piece Minnie Mouse outfit, police said.

Neighbors and friends describe Kenny and Kathy Hardwick as happily married, protective parents. They said Mrs. Hardwick is pregnant with a second child.

After questioning both parents Saturday, police said they found no evidence of a domestic dispute or marital problems that might help explain the baby's disappearance.

Mr. Hardwick works for a local landscaper during the day and watches the baby at night. Kathy Hardwick works nights as the assistant manager at a local pizzeria and cares for the baby during the day. She was on duty the night of the kidnapping.



Haley K. Hardwick
Kenny and Kathy Hardwick's baby apparently was taken from her father's truck.

dispute or marital problems that might help explain the baby's disappearance.

Mother distraught about loss

One day after celebrating her 25th birthday, Mrs. Hardwick was screaming in anguish after learning that her baby had disappeared.

"She got a phone call, and she started screaming and yelling over the phone, 'Just tell me where you are! Just tell me where you are!' " said co-worker Teri Kai.

Ms. Kai said another employee drove Mrs. Hardwick to the scene, and that Mrs. Hardwick almost fainted on her way out the door.

Mrs. Hardwick keeps two framed photographs at the restaurant — one of her smiling daughter, the other of her husband leaning on a red Camaro. A baby rattle, a birthday gift from a friend, sat on the counter.

"They're very nice people," said Dean Henderson, who lives next door to the Hardwicks. "Kenny's a real good father."

"I babysat her on several occasions," said his wife, Sharon. "She's such a good baby."

'I always tri

By David Beasley
STAFF WRITER

When Wyndra Carter wok up that February morning ar saw the Downtown skyline ou side her window, she soon su mised she was in Grady Memor al Hospital.

"The first thing I did was a the nurse to call my husband said Ms. Carter. "She told me r husband had died. I thought s didn't know what she was talki about."

[illegible]

belt or shoulder harness. [illegible] wife was, and it [illegible]

The man [illegible] been on tour recently, provid grim testimony of the value seat belts.

A small crowd gathe around the car one day last w outside Underground Atla The reaction is the same eve where, said Ms. Carter.

"They always say, 'I d know how anybody survi this.' Then they say they're go to start wearing their seat bel

Judging from the wreckag would appear that Ms. Car not her husband, would h been the most seriously injur It was the passenger side o car that struck the tree.

The car crumpled around 26-year-old Atlanta wom crushing her knees and breaki her legs and jaw.

She was kept a month Grady, where her jaw was wir together and metal rods were serted in her legs.

She had to learn to again. Even now, six month er, she uses a cane and has been able to return to her job customer service represent for Unisys, a business mach manufacturer.

Ironically, her husband juries appeared much less tensive.

"He didn't have any inj on his body at all," she said

A seat belt probably have prevented the head inj



WALTER STR... staff

...a Napolitano surveys the damage ... his ... registered gusts of 65 mph and ... ...thout power.

night's 7:40 game against the New York Mets.

WTBS received about 600 calls Friday night and Saturday, with a majority complaining about the ad, the station said.

"Unfortunately, there is nothing we can do," said WTBS General Manager Terry Segal. "I am not aware of any more air time [that he has bought] as of last Thursday. There's been so

third-trimester abortion. He said it first shows him sitting at a desk and that it warns the material is not suitable for small children.

Mr. Myers ... said not gotten any feed... Sunday, probably because his spot aired during church services.

Please see ADS, C3 ▶

Mom clings to 'only hope'

No leads in G... missing infant

... Staff ...

Kenny and Kathy ... today will hand ... pleading for the ret... infant daughter who ... said disappeared from ... up truck while he helped ... stranded motorists.

"The only hope we ... the people who have ... ize they can't care for ... her parents," said ... Mrs. Hardwick of her ... old daughter, Haley, ... described as quiet and ...

Gwinnett County ... day said they had no leads ... case. Mr. Hardwick helped police artist draw sketches ... two men he said he was ... on Old Norcross Road ... p.m. Friday when the ... disappeared from her safety seat.

The FBI has been notified of the disappearance, but is not involved in the investigation, police said. There has been no ransom demand or communication from anyone claiming to have the child. Police have received a flood of telephone calls, ... none provided useful information.

The baby's parents said Sunday that Haley was an unusually quiet baby and didn't make a sound as Mr. Hardwick helped the motorists.

"She wouldn't scream if a stranger picked her up. She probably would have smiled at him," Mrs. Hardwick said, expecting the couple's second child, said from her mother's house in Peachtree Corners.



ERIC LESSER / Staff

Kenny Hardwick wipes a tear from Kathy Hardwick's face as they await word of their missing daughter.



Haley Hardwick
Missing infant is described as quiet and happy by her pregnant mom.

Mr. Hardwick often helps motorists in trouble and didn't think twice when he stopped his pickup truck to help two men start their car, his wife said.

Mr. Hardwick and one man worked under the car while the other man sat inside the car trying to start it, she said. Upon returning to his truck, Mr. Hardwick said, he saw the baby's empty safety seat, its belt unbuckled, and the car he had been working on speeding away. Mr. Hardwick drove after it, but lost the dark-colored Pontiac LeMans in traffic.

The episode lasted no more than five minutes, said Mrs. Hardwick, who speculated that one or two more persons may have been involved.

The couple have left their Lawrenceville residence because walking into their daughter's room is too painful, she said.

"I go up and down," Mrs. Hardwick said. "A times I sob and sob. Then I get mad and beat on the walls."

All they want is for the kidnappers to have a change of heart, she said.

Mrs. Hardwick, a delivery manager for Pizza Hut, wants to put a poster on every pizza delivered in Georgia.

Staff writer Richard Greer contributed to this article.



JE[illegible] SHIFRIN / Staff

[illegible]uses herself in a mirror at Special-[illegible]er for kids with all kinds of needs.

[illegible]ren [illegible]ge [illegible]ero [illegible]the [illegible]her [illegible]en- [illegible]red [illegible]sts. [illegible]nd [illegible]e a [illegible]ren [illegible]ns [illegible]ty [illegible]th [illegible]ith [illegible]os [illegible]cis- [illegible]y — [illegible]to [illegible]ster [illegible]pro- [illegible]st as [illegible]ney [illegible] but [illegible]con- [illegible] Ms. [illegible]ifety [illegible]hief [illegible]or a [illegible] son, [illegible]win- [illegible]rille, [illegible]amp [illegible]ville, [illegible] and [illegible]d of- [illegible]hips. [illegible]d to [illegible], and

he's formed attachments to the people out there," Ms. Cowden said. "Before, he was a loner."

Other camp directors continue working on the child's individual education program (IEP) — a specific progress plan mapped out for each student by his or her public school teacher.

"We know that they're work[illegible] [illegible] [illegible] [

Authorities to continue hunt for baby

By Kay Torrance
STAFF WRITER

Gwinnett police planned to renew the search today for a 7-month-old Lawrenceville girl reported missing Friday and were encouraging help from volunteers who called in response to news reports and thousands of reward posters.

In the meantime, family members were briefed by police on the status of the investigation. Authorities reported no new leads.

But the father of Haley Hardwick remains a suspect, police said. Adding to questions about the story told by 23-year-old Kenny Hardwick were comments by his father-in-law and the revelation that Mr. Hardwick has a criminal record.

The baby disappeared from Mr. Hardwick's truck Friday night after he stopped along Old Norcross Road to help two stranded motorists, police said. Mr. Hardwick and one of the men worked on the car while the other tried to start the engine. When Mr. Hardwick returned to his truck, he said, Haley was missing from her car seat and the dark-colored Pontiac Le Mans he had worked on was speeding away.

But Haley's grandfather questions the story.

"It's the lack of anything to substantiate the story," said Ron Impello, whose daughter, Kenny Hardwick, is the baby's mother. "There are no witnesses and that's a busy road. The police are digging hard to make his story hold water. I'm sure it wasn't intentional. I think a horrible accident happened and he just didn't know what to do."



THE WILLIAM — Staff

Haley's mother, Kathy Hardwick meets with friend Amy Clark (left) about the distribution of posters seeking the 7-month-old girl's safe return.

Mr. Hardwick denies any involvement in her disappearance and has issued a written statement warning the kidnappers to "think twice. Nothing in this world means more to me than my daughter."

Mr. Impello said he saw "a change for the better" in Mr. Hardwick when the baby was born.

Mr. Hardwick, an 11th-grade dropout, pleaded guilty in Gwinnett County to three counts of burglary and two counts of attempted burglary in December 1989. He served nine months of a two-year prison term, according to court documents.

Mr. Hardwick was questioned by police Monday for more than nine hours, and he took a lie detector test. Police are prevented by law from releasing the findings, Gwinnett Police Chief Wayne Bolden said.

Meanwhile, Gwinnett police and fire department personnel will search today in the area where the infant disappeared along Old Norcross Road to Highway 316.

"People called and said they wanted to help with a search," said Larry Walton, Gwinnett police spokesman. "Volunteers are welcome."

Search teams will organize at 11:30 a.m. at Benefield Elementary School at 970 McElvaney Lane in Lawrenceville.

Long-range plans OK'd

FURTHER REDUCTIO

CALENDAR Page 3
CLASSIFIEDS Page 13
MOVIE LISTINGS Page 3
OBITUARIES Page 10

quite know what to think of stardom.

"They don't even fully understand that they're going to be in a movie," Mrs. Thomas said. "The way I explain it to them is that [illegible]"

In the movie "Deadly Relations," Jessica and Jordan share the role of the youngest of four children of Robert Urich and co-star Shelley Fabares.

The movie, based on a true story, illustrates the devilish suffering

worth it.

"It's funny, they're not, by any [illegible] close to being stars," she said. "[illegible] thing is sequence and [illegible]"

But if she has to draw the line between school and stardom, academics will come first.

"When it comes to school, I won't take them out," she said. "I'm not going to have bratty, snotty kids. . . . We are

"Whatever they make is for them," said their mother, who is a private pra[illegible] nurse and owns the Global Flu[illegible] with her husband.

[illegible] Thomas says differences in personality help in telling them apart.

"They're both sweet," she said. "But Jordan is patient and Jessica isn't, she

Please see TWINS, J12 ▶

home or her mistake.

The fune[illegible] late, but Mr[illegible] still allow[illegible] is in the upp[illegible] said.

To solve tree has had

Ph



KATHY HARDWICK / Staff

Kathy Hardwick and her mother, Kay Britton, arrive at the scene of the search for Haley Hardwick, Mrs. Hardwick's 7-month-old daughter, who has been missing since Friday.

Callers 'really want t(

Some say they've seen infant who disappeared

By Mara Rose Williams
STAFF WRITER

While authorities [illegible] watch for any clues that may help them find Haley Hardwick, investigators say that hundreds of [illegible] have called claiming to have seen her in places including Walt Disney World, a Braves game and in visions.

"In a case like this, when you have a child missing, everyone wants to get involved," said Detec-

▶ Searchers have no luck finding child. C3

tive Jack Burnett, who is in charge of the investigation into the whereabouts of the 7-month-old girl.

Haley's [illegible] Hardwick, says she was snatched from [illegible] Friday evening when he stopped his [illegible] and motorbiker on Old Nor[illegible] and [illegible] the baby from [illegible] older than a suspect in the disappearance.

As hundreds of public safety officials and vol-

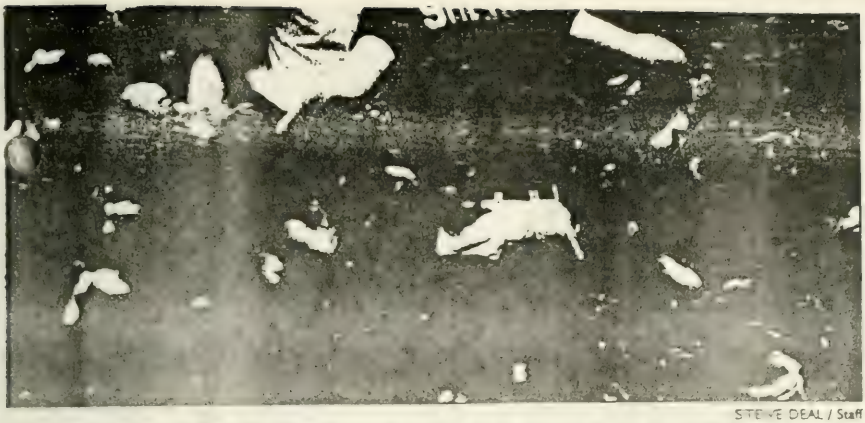
Please see INFANT, J10 ▶

KIDNA
HALEY H



KIDNAPPED 7/3/92 [illegible]
513-[illegible]
NAME HALEY KRYSTYN
D.O.B. 12/2/91
WEIGHT 17 ½ LBS.
HAIR "Very little" with
She was wearing
Mickey Mouse O[illegible]
[illegible] crawling, [illegible]

★ REW



STEVE DEAL / Staff

Kenny Hardwick (left) takes part in the search Wednesday for his 7-month-old daughter. Mr. Hardwick has been described by the police chief as "a very strong [illegible]"

50 volunteers join search for missing Gwinnett girl

Like the police, mother questions husband's story

By Kay Torrance and David Noel
STAFF WRITERS



Haley Hardwick. Her father has told police she was kidnapped from his truck Friday night.

Hours after scores of volunteers and police searched through heat and kudzu Wednesday for any signs of 7-month-old Haley Hardwick, the infant's mother revealed she has had questions about whether her husband is involved in the child's disappearance.

"Of course I'm doubting my husband," Kathy Hardwick said late Wednesday, after the search ended. "I'd be a fool not to doubt my husband. I don't know how honest I should be. I've had these feelings all along, but I haven't voiced them."

But Mrs. Hardwick says her doubts should be expected, since the police have said they question Kenny Hardwick's story that the child was kidnapped from his truck Friday night while he aided a pair of stranded motorists on Old Norcross Road. They describe him as a "strong suspect" in the case. He has denied any involvement.

Mrs. Hardwick said she did not want to speculate on her husband's possible guilt because her emotions shift between [illegible]

"I'm trying to be a mother. I need peace."

Earlier Wednesday, she and her husband joined searchers looking for the child. About 50 volunteers were briefed in a school auditorium before they joined [illegible] to comb an 8-mile radius around the Old Norcross Road area where Mr. Hardwick said she disappeared.

"I got out of the truck and saw all the people," said Mrs. Hardwick, who is two months pregnant and plans to name her child "Haley," after her missing daughter. "I was weak at the knees. It's overwhelming. I'd like to thank the city of Atlanta."

Police gave volunteers pictures of two tires from Mr. Hardwick's truck and told them to be on the lookout for tire tracks, clothing, trash and new diggings — and, finally, a body. Mrs. Hardwick left the auditorium in tears.

All afternoon, clusters of volunteers poked through the overgrown fields and dense woods near Lawrenceville. A few even waded into the muddy waters of the Yellow River and a couple from Fayetteville [illegible]

missing, I'd want some help," volunteer Ricky McDaniel said. "So that's why we're here."

He and his family spied footprints near a old burned-out house, a quarter-mile off the road. Their report sent the Gwinnett SWAT team scurrying into the woods with climbing ropes and bright lights.

They peered into an abandoned well, then lowered an officer 20 feet down. He found nothing.

Back at police headquarters, secretaries answered hundreds of calls that jammed telephone lines. Among the callers were people who believe they have seen the child, a psychic who claimed to have seen her in a vision, and news media, including a crew from the television show "48 Hours."

Mr. Hardwick stopped talking to police Wednesday.

"He was scheduled to come in here at 1 o'clock for some more questioning," Police Chief Wayne Bolden said at headquarters. "But he has an attorney now, and he told him not to."

Mr. Hardwick has undergone hours of police questioning and a lie-detector test. The results have not been released.

Fighting tears Wednesday, he said he has "good, strong feelings" his daughter is alive, and he kept poking through the [illegible]

Victim had given him a place to li

By Macon Morgan
STAFF WRITER

When "Buck" Thom needed a place to live se weeks ago, Brian Jason Pa welcomed the 24-year-old his one-bedroom apartment

Mr. Paisley may have be a victim of his own kindnes

On Wednesday authorit Griffin arrested Robert D Thompson — [illegible] know "Bucky" — in the double sl of Mr. Paisley and his County girlfriend, Beth A Tanner.

The couple's bodies wer covered with [illegible] before Monday [illegible] and [illegible] Road in Springs. Police [illegible] shot repeated

Fulton County police s, man Barry Bates said th men were [illegible] b didn't know what might prompted the shooting.

"Neither one of the wit there are alive," Mr. Batso "so we have no way of kn what the motive was."

Mr. Thompson was held in the Fulton Count Wednesday night on two ch of murder.

A Griffin native, Mr. T son had been in the Atlant for about eight months, "s place to place," an investi Ted Godard of the Sp County Sheriff's Departme

'He befriended his pers

Mr. Paisley took th in," said Ski Lodge manag Maguire. "That's wha shocking. He was a [illegible] person."

In exchange for a pl stay, the teen-ager did chores, Ms. Maguire said 'would come into the office change to do it." Pusley' dry," she said. "He s nice."

Mr. Paisley, a Jamaic tional recently separated his wife and had li the apartment since Ma hotel chef, he also was al start offering "karate classes to Ski Lodge res Ms. Maguire said. 'He w ing to get involved and loo make extra money."

Ms. Tanner had been Mr. Paisley for less month, according to he Evelyn Keller. The 24-y art director of an Atlanta tising company had a lo

LOCAL NEWS

In the black
Strong June helps state end year on budget
Page B2

Heat over school
Greene County parents riled over education
Page B3

INDEX

News briefs	B2
Election 1992	B3-B8
Obituaries	B10
Legal notices	B11



JANE HANSEN / Staff

...rived at the soup ...picked him up.

...ns up 'TLC' ... soup line

...d furious thunder... ...storms and dumped ...was long and the ...ed in. ...vocal soup line.

Police going all-out in baby case

Trying everything: Gwinnett investigators delve into black market; the parents separate.

By Rob Johnson
STAFF WRITER

After weeding through giant kudzu patches, hundreds of phone tips, long lines of motorists and hours of statements from their only suspect, Gwinnett police find themselves entangled in one of the most vexing missing person cases they've ever undertaken.

The week-old, highly publicized inquiry into the disappearance of 7-month-old Haley Hardwick has led them to dig up portions of her parents' Lawrenceville yard, drop members of search teams into abandoned wells — even assign detectives to explore the shadowy world of black-market baby sales.

"You've got to try everything," a visibly weary Gwinnett Police Chief Wayne Bolden said Friday. "After all, this is a baby, an innocent child. And with as much speculation as there has been about this, this is still a missing-persons case."

A dozen witnesses have told police they were on Old Norcross Road at the time Penny Hardwick claims his daughter was abducted, and they did not see him or any kidnappers.

Friday, Jerry Brown Chevrolet in Buford offered a $5,000 reward for information that would lead police to Haley. Another $5,000 has been put up anonymously for information about her whereabouts or the arrest and conviction of those responsible, Gwinnett police Capt. Don Davis said.

But the person police still believe knows exactly what happened — the child's 23-year-old father — isn't speaking to them anymore on his attorney's advice.

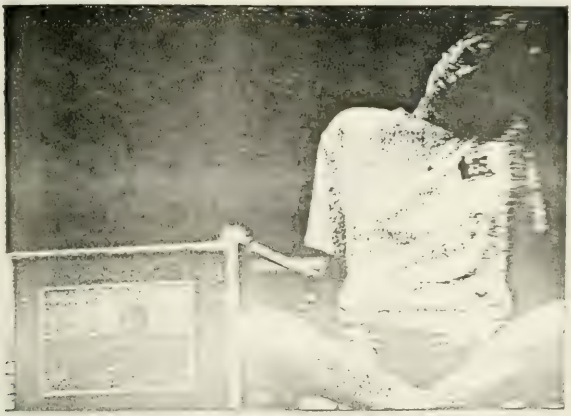
The Hardwicks are living apart, Mrs. Hardwick said Wednesday. She is with her mother, and is staying at a friend's house to keep the disappearance of their daughter from straining their marriage, she said. "We just need some space," she said.

Mr. Hardwick says his baby was taken from his truck July 3 on Old Norcross Road while he assisted two stranded motorists in a Pontiac LeMans.

Even though they doubt the story, detectives said Friday, they are still examining that scenario. Officers are stopping nighttime drivers at the same bridge to ask if they saw a disabled car.

But the 12 witnesses say they're sure no one was stopped on the bridge July 3, and uniformed officers have checked several Pontiacs similar to the one Mr. Hardwick described, with no luck.

Saturday, they plan to resume the search near the Yellow River bridge.



CHARLOTTE B [illegible]

"I have very strong doubts" about husband Kenny's story, Kathy Hardwick said Saturday at Benefield Elementary, where the latest search for baby Haley was based.

600 look for baby; rumor confirmed

By Kay Torrance
STAFF WRITER

While the second mass search for 7-month-old Haley Hardwick turned up no clues Saturday, Gwinnett Police Chief Wayne Bolden confirmed that a shovel is involved in the case.

About 150 police officers and 450 volunteers canvassed the area around Old Norcross Road where Kenny Hardwick said his daughter disappeared Friday, July 3. A search of the same area Wednesday also proved fruitless.

Searchers met Saturday morning at Benefield Elementary School and combed the area around Belk's department store on Georgia 120, because of its proximity to the place where the baby allegedly was kidnapped.

Hardwick told police that his daughter was taken from his truck while he assisted two stranded motorists in a Pontiac LeMans. Police aren't planning any more wide-scale searches unless a concrete lead comes in, said Gwinnett police spokesman Larry Walton.

Police discouraged Hardwick from participating in the search.

"We don't want him walking over an area we're searching," Capt. Ron Davis said. "He could contaminate a crime scene. He is a suspect. It's for his own protection."

Searchers told reporters Saturday that police had a witness who reported seeing Hardwick returning to his house with a shovel after Haley's disappearance.

When asked about that report, Chief Bolden said, "There's a shovel involved in this case. That's about as far I can go."

Hardwick's wife, Kathy, said Saturday she has doubts about her husband's story.

"I have very strong doubts," said Mrs. Hardwick, who separated from her husband and is now staying with her mother. "As his wife, I still stand by him. I think I owe him that. I haven't turned him away. Whatever happened does not change the love he has for that girl."

But she added, "The one thing I ever want to know is what happened."

Staff writer Kathy Sawyer contributed to this report.

OBITU

R.W. Wallace Jr.
Retired stockbroker

The funeral for R. Williams Wallace Jr. of Atlanta, a retired stockbroker with Merrill Lynch, will be at 11 a.m. Monday at Patterson Spring Hill Funeral Home, with burial at Rutledge Cemetery in Rutledge, Ga.

Mr. Wallace, 73, died of complications from a stroke Saturday at his home.

Survivors include his sons, Arnie C. Wallace of Atlanta and Kathryn W. Hill of Atlanta; and Arnie C. Wallace of New Port Richey, Fla., and a grandchild.

Mary E.G. Macomber
Retired schoolteacher

A memorial service for Mary Ella Gerald Macomber of Atlanta, a retired schoolteacher, will be at 2 p.m. Monday at St. Joseph Hospital's Chapel.

A graveside service for Mrs. Macomber will be at 2 p.m. Wednesday at Thorsby Cemetery in Thorsby, Ala.

Mrs. Macomber, 85, died Friday at her home.

Surviving are her husband, Chester Macomber; a daughter, Shirley Paquin of Atlanta; a sister, Agnes Nelson of Birmingham; and two grandchildren.

Lisa M. Villani
Waitress

The memorial service for Lisa Marie Villani of Loganville, a waitress at the Olive Garden restaurant in Snellville, will be at 2 p.m. today at Tom Wages Snellville Funeral Home.

Ms. Villani, 28, died Friday at Gwinnett Medical Center. The cause of death is not known.

Surviving are a daughter, Nina Villani of Snellville; her parents, Ralph and Bette Villani of Snellville; her maternal grandparents, Charles and Marie Schinderwolf of Fort Pierce, Fla.; her paternal grandparents, Ralph and Pauline Villani of Newark, N.J.; a brother, Ralph C. Villani of Crab Orchard, Ky.; and a sister, Michele Villani of Marietta.

Ernest E. Tarple
Retired factory

The funera
Tarpley Sr. of L
supervisor wit
in Hapeville, w
at Lithonia Firs
ist Church, with
Hill Church Ce

Mr. Tarpley
cer Friday at
Medical

Surviving
Webb Tarpl
Tarpley and
Covington; a
Stanton of Co
ers, James Ta
and Raymond
nah; six sister
Berthoud, Col
of Latham, Ka
Crawford, Viv
Angela Tarpley
Barbara Tarp
nine grandchil
grandchild.

M.O. 'Neal' Cra
Retired budge

A graveside
"Neal" Crawfo
a retired bud
Lockheed's Ge
at 1 p.m. Mon
Cemetery.

Mr. Crawfo
day at Kennest

Surviving a
beth Craig Cra
O. Crawford I
City; two daug
Beasley of Woo
Crawford of A
grandchildren.

Emanuel Goldb
Retired salesma

Emanuel G
ta, a retired sa
Co., died Saturd
Hospital. He wa

A graveside
noon Monday
Cemetery.

Surviving a
Gelfman Gold
and a son, Geo
Snellville.

Mary L. Benato



BILLY DOWNS / Staff

Divers check their equipment aboard a small outboard boat before searching the lake at Rhodes Jordan Park for 7-month-old Haley Hardwick, who has been missing since July 3. They gave up the search after two hours.

Gwinnett divers come up empty after searching for missing girl

By Rob Johnson
STAFF WRITER

An anonymous tipster sent Gwinnett County divers into a murky Lawrenceville lake Monday looking for the body of Haley Hardwick, the 7-month-old girl missing since her father reported her kidnapped July 3.

Like police and volunteers in two massive searches last week, the divers from the county fire department found nothing.

First, the team skimmed the lake at Rhodes Jordan Park in a small outboard.

Then the divers, in snorkels, swim fins and wetsuits, swam near the earthen dam where the water is deepest and murkiest.

After two hours of searching beneath a broiling sun, they gave up.

Gwinnett police insist that they are taking every tip seriously, but no one was surprised late Monday afternoon when the search was called off.

The child's mother, Kathy Hardwick, just shrugged.

"What can you say?" she said. "We've got to pray."

However, detectives have said the baby's father, 23-year-old Kenny Hardwick, may know more than he's told them about his missing daughter and they continue to call him a "strong suspect."

Hardwick claims the child disappeared after he stopped in the Yellow River bridge over Old Norcross Road to help two stranded motorists.

In an interview with WGNX/Channel 46 Monday night, Hardwick said he was angry about the speculation by people who are "convicting me before they even know me."

He said someone apparently had convinced his wife that "there was a terrible accident at the house. ... My wife knows ... that regardless of how much I've been drinking ... if anything happened at the house with my little girl, I'd have took her to the hospital. And believe me, I'd have stopped for nobody, and that's a cold, hard fact."

Without the cooperation, investigators are checking tips that continue to flood the department, including one witness's account that Hardwick was seen with a shovel about the time his daughter disappeared, Gwinnett police Capt. Joe Davis said.

Promoter found guilty of tax evasion

By Bill Montgomery
STAFF WRITER

A federal court jury [illegible] College Park record promoter [illegible] Johnson of income tax evasion [illegible] ted him of payola charges [illegible] lanta radio station.

The mixed verdict brought [illegible] of vindication from both [illegible] federal prosecutor.

[illegible] reported income, and [illegible] jury agreed," said [illegible] Martin Weinstein. [illegible]

After more than [illegible] ations Friday and Monday [illegible] ted Johnson of two other tax evasion. A third tax charge was dismissed by Jack Camp during the [illegible]

Johnson testified he was [illegible] ing bills and paying the people [illegible] for me" to keep adequate [illegible]

"It was a mistake, but I [illegible] records played," said Johnson. [illegible] what I'm good at."

"If Gregg had been a better keeper, he would have walked out," said his defense attorney Dennis Hoover. The defendant, who has been free on bond, was released pending his Sept. 29.

3 alleged instances of payola

Johnson was indicted on [illegible] tax evasion charges and three [illegible] alleged cash payoffs in 1989 and [illegible] Sidney Wood, then music director of WVEE-FM (V-103). Mr. Wood left [illegible] from the "urban contemporary" format in the fall of 1990. The payola Wood testified, totaled $900.

Johnson and his attorney said Mr. Wood lacked credibility because he could not relate exactly where the alleged payola from Johnson took place.

Under defense cross-examination, Wood acknowledged he testified to a federal grand jury last October about the circumstances of where he was alleged to receive payola by other record promoters while being in a promoter's office and outside a radio station.

Mr. Weinstein refused to discuss the allegations of payola other than those involving Johnson.

"They knew this guy was a [illegible] Johnson, who added he intends to continue his record-promoting business.

LOCAL NEWS

Grady gets OK
Fulton signs off on Midtown AIDS clinic
Page C2

Riled by Ryles
County angry over school arson probe
Page C3

INDEX

News briefs	C
Election 1992	C4-C
Obituaries	C
Weather	C



STEVE DEAL / Staff

ts Wednesday in her edroom before moving eville duplex. "I'll never she says of 7-month-old ared July 3.

'I lived for that little girl . . . and now she's gone'

A happy past, a painful present

Family divided: The mother of a missing baby has left her home while the father remains a suspect in the case.

By Rob Johnson and Kay Torrance
STAFF WRITERS

The duplex lease between Cathy Hardwick packed her daughter's Mickey Mouse bedroom decorations Wednesday while her estranged husband, Kenny, sat nearby pondering where to sell his furniture so he could raise some quick cash.

The visible dissolution of the Hardwick household began when 7-month-old Haley disappeared July 3, and with the child still missing and her father a suspect, Mrs. Hardwick said Wednesday it was time for her to go for a while.

Her husband said he had to let her.

Mrs. Hardwick is moving to her mother's home in Norcross, where she has stayed for several days. Her husband has been staying with neighbors.

"She believes what she wants," said Wednesday, "and I know what I know. But if she wants a little space, well . . ."

He clutched a pack of smokes and scanned the front yard of their Lawrenceville home. He said he had to get back inside.

"The main thing is Haley," he continued. "It's not me and Kathy, it's Haley."

Mrs. Hardwick echoes her husband, but while she's packing also she speaks of her only child in the past tense.

"I lived for that little girl. Nothing meant [anything] to me except for that little girl, and now she's gone."

Please see **BABY, C8**

Police: Father said intruders hurt baby



Hardwick

Intruders in the Hardwick home injured 7-month-old Haley just hours before another pair of strangers kidnapped the baby, Kenny Hardwick told a friend, police said.

Although he never reported the burglary to police as he first claimed, police say they spoke to the witness whom Hardwick told about the July 3 burglary, in which the baby was bruised on her head and buttocks as he worked in the back yard.

Police found no evidence of a break-in and have found nothing to substantiate Hardwick's account of what happened later in the day, when he says he stopped to help two men whose car had broken down on the Yellow River Bridge on Old Norcross Road.

When he returned to his truck at about 9:15 p.m., Haley was gone, he said. He chased but lost the car.

He called his wife, a night manager at Pizza Hut, from a nearby convenience store, and she became hysterical and left the restaurant. Her colleagues called 911.

Rob Johnson

6th District race

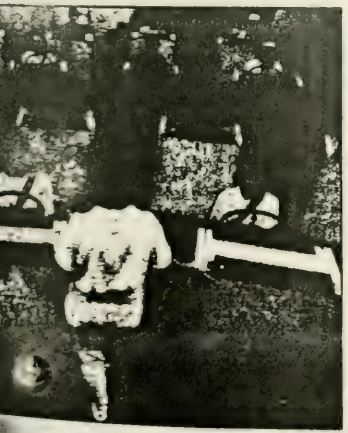


WALT STRICKLIN / Staff

r in Avondale High School's perform-
for a brand new black Toyota Paseo.

rive

RITE OF PASSAGE
NEW FREEDOM



DAVID TULIS / Staff

oung drivers sit shoulder-belted in
to take their final exam

Two accounts of where baby disappeared

Dad reportedly told boss one site, police another

By Rob Johnson
STAFF WRITER

W[illegible] have made inverte[illegible] ...ons of his account of Haley Hardwick's disappearance.

Hardwick's employer, Mike Adler, says that the morning after the reported kidnapping of the Lawrenceville girl Hardwick told him he had stopped to help two stranded motorists at the Yellow River bridge on Davis Mill Road. Mr. Adler gave that information to police.



Kenny Hardwick

But that's about a mile away from the Old Norcross Road bridge where Hardwick has repeatedly told officers and reporters he stopped to help the motorists.

Hardwick claims that the two people he stopped to help kidnapped his 7-month-old daughter.

"I know if it was my child, it would be burned in my mind exactly where it had happened," Mr. Adler said. "I thought it was strange he told me Davis Mill and then it got changed to Old Norcross."

Police confirm employer's report

Hardwick maintained as recently as Wednesday that his daughter disappeared from the Old Norcross bridge; he could not be reached for comment Thursday.

Hardwick told him he was taking Haley to visit his mother-in-law that Friday night.

Gwinnett Police Chief Wayne Bolden confirmed Mr. Adler's report Thursday.

A day earlier, police said Hardwick told a friend that the Hardwick home had been burglarized just before the reported kidnapping. Hardwick told the friend that Haley had been bruised during the intrusion, police said.

Chief Bolden said he finds it suspicious that after the kidnapping, Hardwick failed to tell police about any burglary.

The confusion over the bridges muddles the investigation even more, the chief said, noting, "Fifty percent of what we're doing is trying to figure out what he's telling us that is true."

Mr. Adler, a landscaper who says he is still waiting for Hardwick to collect $130 he owes him for past work, says he wants to believe the man he [illegible] for two years, but he finds it increas-

JUL 17

"All this really tells us is their blood samples did[n't] ... DNA found at the scene."

Larry D. Brown, 34, Donald Wilson, 32, and Ernes[t] ... Jr., 29, were charged earlier this month with theft after po[lice] found the cameras that had been taken from Jennifer Stone's a[part]ment. They are accused of selling them just hours after the U[niversity] of Georgia journalism student was sexually assaulted an[d] killed April 23 in her off-campus apartment.

Mr. Wilson and Larry Brown, both homeless, were [held] on bond. Ernest Brown Jr., an employee of the universi[ty] was held on a $6,500 bond. The DNA results from the state crime [lab] ... more than a week after authorities determined the suspect's fingerprints did not match those taken from Ms. Stone's a[part]ment.

RELIGION

Bishop Knox to lead Methodists. Bishop J. L[ewis] ... former missionary, has been named the new head of the Geor[gia] ... gia's 250,000-[member] United Methodists, succeeding retiring Bishop E[merald] ... ald. Bishop Knox comes from Birmingham, Ala., where he has been bishop ... He succeeds ... North Georgia ... datory retirement ... of Tampa, Bishop ... a graduate of Florida ... ern College and Emory ... versity's Candler School of Theology. From ... until 1964, he and his wife, ..., were assigned as missionaries to Cuba and Panama. After returning to the U.S., he served churches in West Palm Beach, Tampa and St. Petersburg, headed the Hispanic Ministry in Florida, and was district superintendent of the Miami and DeLand districts. Bishop Knox's new assignment was made Friday by the United Methodist Church's Southeastern Jurisdictional Conference, meeting in Lake Junaluska, N.C.

Angry neighbor goads Hardwick

After ... from ... disappearance ... daughter, Kenny Hardwick had one more confrontation Friday night when a neighbor tried to pick a fight with him.

The incident occurred during an interview with a newspaper reporter, as Hardwick talked about a television reporter who had angered him by reporting allegations he had beaten his wife in the past. Standing in front of his residence, Hardwick described the reporter with a string of profanity, adding she was lucky he didn't hit her.

A neighbor listening nearby suddenly started pushing Hardwick. "Are you fast on your feet?" the man taunted Hardwick. "C'mon, you beat up women; fight me."

Hardwick backed up. "I'm not going to jail for this," he said.

The man punched Hardwick several times before Hardwick swung back with a motorcycle helmet. The man then left, and police were called.

Hardwick, who police say is a suspect in the July 3 disappearance of his daughter, Haley, said he would take out a warrant for battery against the neighbor.

"Total hell," he said of the day. "It's been total chaos."

David Noel

MILITARY D[EATHS]

COLQUITT ... of three air crash victims named. One of ... people killed Thursday ... crash of an Army cargo ... in South Georgia was identified as Maj. Michael ... mer, 43, of Enterprise. ... The names of the other ... who were civilian ... employees, were withheld pending notification of relatives. The plane was a twin-engine C-23 from the U.S. Army Aviation Technical Test Center at Fort Rucker. The Army said it was on a test ...

THE COURTS

COBB COUNTY: District attorney's wife wants divorce. Cobb District Attorney Tom Charron's wife has filed for divorce on the grounds of his alleged "habitual intoxication" and "cruel treatment." Lynda B. Davis Charron filed papers July ... Cobb Superior Court ...

By Jill Vejnoska
STAFF WRITER



Duff Ortman ... son Jay begg[ed] ... and his mo[ther] ... 17, 1989. H[e] ... vanished from ... Ind., on July ...

He'd recently returned from looking for his son in New Zealand and had his plane ticket for a similar mission in Canada when the phone rang in Duff Ortman's Lexington, Ky., home last week.

An FBI agent told Mr. Ortman his son, Jay, 9, might finally have been found living in Crossville, Tenn. In the three years since his ex-wife, Leslie, had disappeared with Jay into Faye Yager's underground, Mr. Ortman, 37, had received enough such calls to know he shouldn't get his hopes up. Nonetheless, he made the 3½-hour trip to Crossville to try and identify the pair.

And ... was over. After ... traveling ... the week ... starting a $25,000 reward fund that eventually swelled to $25,000, Mr. Ortman's search ended as unexpectedly as it had begun when Jay and his mother ...

Ms. Ort[man] ... July 10, [an] ... phone tip to ... "Missing Ki[ds]" ... Dearborn ... courts had ... temporary ... 1989, she p[ut] ... the charges ... order and ... paying ... $... ... Ortman, ... Jay, and the ... Lexington.

Last ... Mr. Ortman had last seen ...



Amid the debris at the La Petite day-care ... Clark examines the run-away Bobcat tractor ...

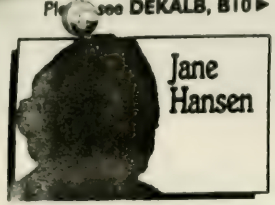
'Pure luck' saved

Tractor plows through Cobb playroom, 5 hurt

By Diane Lour...

Many white Democrats from

Please see DEKALB, B10 ▶



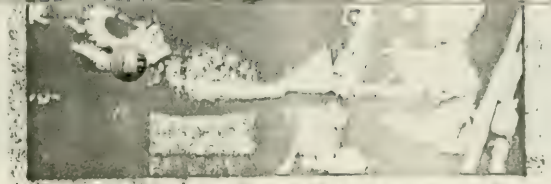
Jane Hansen's column will resume shortly.

and an apology from Mayor David Dinkins.

State Rep. Mary Margaret Oliver (D-Decatur) said she and two friends encountered a drunken, boorish diner at a trendy restaurant who kept referring to Georgia as the third world.

"We were well-dressed and we spent well over $100," she said. "We reminded him

Please see NYC, B10 ▶



On the subway, Ms. Ewing talks to a [illegible] during her trip to [illegible] Manhattan.



Change of command

Lt. Gen. John Yeosock (left), w
of the 3rd Army at Fort McPhers
for retirement, receives congratu
Powell, chairman of the Joint Ch

Father sticks to story; hunt for missing girl goes nat

By Rob Johnson
STAFF WRITER

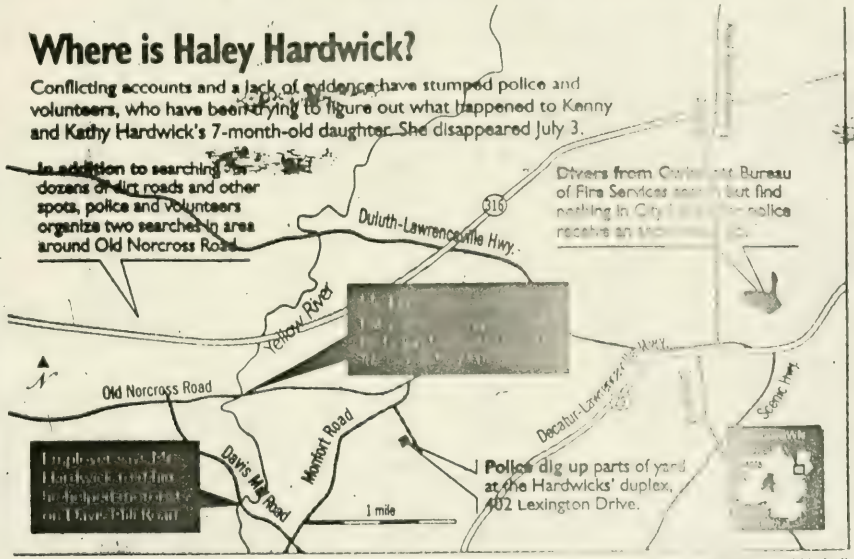
By sticking to his story, Kenny Hardwick is sending detectives, family members and missing-child agencies out to investigate his claim that his daughter, Haley, was kidnapped — though police say they find his account laced with contradictions and suspicious omissions.

So word of Haley's disappearance has gone nationwide.

The National Center for Missing and Exploited Children is publicizing her plight across the country, according to the president of the Arlington, Va.-based organization.

Police confirmed Friday that Mr. Hardwick had been drinking — about five beers — the night his daughter disappeared. Also, Hardwick acknowledged that he failed a police lie-detector test, because he was "distraught."

Detectives question why Hardwick failed to tell them of a burglary at the family's Lawrenceville home that he had reported to a friend. During that break-in, Haley was bruised, Hardwick told the friend.



Police said Friday night that Hardwick, their chief suspect, still has not shown up for additional questioning — nor had he made an appointment to do so, although Hardwick told television reporters Friday that he would be in the station Monday morning with his attorney.

He later told a reporter that he had changed his mind and would not show up at the station Monday. He said he was angry because police said they were not aware that he intended to come

▶ A confrontation at home. B2

to the station.

Hardwick says Haley disappeared while he was assisting two stranded motorists on the Old Norcross Road bridge over the Yellow River, but he first told a friend that it had been the bridge at Davis Mill Road, police say.

Hardwick stopped talking to police nearly two weeks ago, on the advice of his attorney, but detectives say they have plenty to ask him.

"We have some mug shots that we'd like him to compare with the composites he helped us draw," Gwinnett Police Chief Wayne Bolden said Friday. "We're still looking into the possibility that they may have taken the baby."

While they examine Hardwick's story of kidnapping, police have also openly explored the possibility that Haley is dead

looking for her body during two massive searches, a pair of small-scale digs and a dive into a Lawrenceville lake.

If she was kidnapped, the sce-

Detectives sift tips in hunt for missing girl

Dozens of callers contact police

By Rob Johnson
and Kay [illegible]
[illegible]

[illegible] of missing girl, continue to flood Gwinnett County detectives with [illegible] tips and theories on what's [illegible] Haley Hardwick.

In fact, the public is playing an enthusiastic, sometimes aggressive, role in the Hardwick case, police say.

"In a case like this, the public interest is great," Gwinnett Police Chief Wayne Bolden said Monday. "The more calls we get, the more chance we have to break this case."

Secretaries at the department say the calls stream in daily, as they have ever since Haley's father said she was kidnapped July 3 by a pair of motorists on Old Norcross Road. So far, more than 200 have been logged.

On Monday, Haley's mother, Kathy Hardwick, delivered a letter to police that she had received from an anonymous Marietta woman.

Checking newscasts

And because Kenny Hardwick — Haley's father and the chief suspect in the Lawrenceville girl's disappearance — is reluctant to cooperate fully with them, the police are poring over newscasts and news articles to find out what he is telling reporters that he's not telling them.

"We have to find out, like everyone else, what's going on," Chief Bolden said.

Monday, however, Hardwick met with detectives at an undisclosed location to review mug shots of 14 men who resemble



Photo

Ballots on Abse As Victoria Palkovic (right) shops for groceries at Kroger store, [illegible]ow (left) and Walter Hobby set up a polling pl

Ballots amid the bana

Officials forced to use some unusual polli

By Joe Earle
STAFF WRITER

Who says going to the polls has to be drudgery?

In Acworth, voting can be a day at the beach — Acworth Lake Beach, that is. Voters can elect a new representative and work on their tans at the same time at a city-owned beach house that serves as a polling place.

In Alpharetta and Sandy Springs, some voters can stock up on post-election party supplies while casting their vote at the neighborhood Kroger stores.

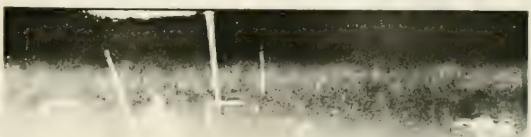
And in east Cobb, voters can skate through the election at the skating rink polling place.

As polls across metro Atlanta open for today's primary election, most voters will cast ballots in schools, firehouses, churches, city halls or recrea-

Whom to call

Today is election day for Democratic, Republican and non-partisan primaries. Polls are open from 7 a.m. to 7 p.m. If you need information about where to vote, call your county elections office. Here are some helpful telephone numbers in metro Atlanta:

- **Fulton: 730-7[illegible]**
- **DeKalb: 371-2241**
- **Cobb: 528-2300**
- **Gwinnett: 822-8[illegible]**
- **Clayton: 477-3372**
- **Fayette: 461-6541**



▶ Where to
▶ Feds to r

tion buildir
But in
election off
a bit mor
finding pla
ballot boxe
chines. In t
population
rated tr
places, for
cials to sc
sometimes
cations.
"We ha
said Glo Ke
for the Par
which has u
Rink on Da
past four o
Actually
Keeton,
roller skati
provement
place that
aire pollwo
shop in an
[illegible] c



DAVID BEASLEY / Staff

...is the DOT coordinator for bicycle and pedestrian ...affic. She ...est wants streets safe for cyclists.

"It's ... another block ... on the ...ndation of ...etitive bicycle ...nd ... system built ... Georgia."

...BOB BRAYER
PA... Foundation director

...om the Narrower MARTA ...ation to Kennesaw Museum of ...atural ... via the new ...reedom ...rkway, formerly ...alled the Presidential ...arkway.

Th... is seeking a com...ina... ...rivate and public ...unds ... construction.

Under ... new federal ...ransportation bill, public fund...ng for ... could be much eas...ier to obtain. The bill allows for flexibility in using federal dollars for transportation purposes other than highways.

A major problem, however, is that Georgia law prohibits motor fuel taxes from being used to match federal funding for bicycle trails.

Instead, matching funds must come from local coffers, private dollars or from a direct appropriation by the Georgia General Assembly.

Mr. Yost, an avid cyclist, makes no promises on what he will be able to deliver in his new job.

But he does promise to give cyclists a voice in the mammoth state highway agency.

"I would like to instill cycling within the department," he said. "Bicycling will have a small role in the overall transportation system. But it can be significant role. I'd like to think that if we provide facilities, people will use them."

...kidnapped? No: likely, statistics say

Case doesn't fit abduction profile

By ... Torrance
Staff ...

...-month-old Haley Hardwick was ...napped from her father's ... while he helped two stranded motorists, the disappearance ...d be one of only ... ...n abduct... ...

...ollapse... ...up only ... ...105 reported ... ...ildren in 1991, ...e Georgia Bureau of I...

...ardwick told police he pulled ...ly 3 to help the motorists ... their Pontiac LeMans ... ...en he returned to his ... his 7-month-old daughter ... missing from her car ...

...missing children in Geor... ...r year, only four were abduct... ... strangers. The bulk of the cases were runaways and parental ...ductions, according to Georgia Bureau of Investigation ...tistics.

...ewton County police are suspicious of Hardwick's story, and ... is a strong suspect in the ...ainesville infant's disappearance. Hardwick maintains his ...nocence and has not been charged with any crime.

Hardwick says two men kidnapped his daughter. But men most ...k for older children to sexu... ...victimize, whereas infants are usually seized from hospitals by women, said Ernie Allen, president of the National Center for Missing and Exploited ...ildren.

"With infants, everything changes. Mr. Allen said. "The profile ... the abductor is disproportionately female. They take the risk in order to keep."

A small percentage of children who do not fall into the categories of abductees of parents or teenage runaways, usually are found murdered by someone the children knew, said Pat Johnson of the FBI's violent crimes section.

...ople should be wary of

2 2 1 9 9

lice coming up to them and saying, 'Come with me.'"

Police had focused their search on the Five Points station area after tracing a long-distance phone call the older girl made from there Tuesday.

Sergeant Pendergrast said not kidnapped.

"Through miscommunication, they were not picked up at the movie," Neal Hardin, a DeKalb police communications supervisor said earlier in the day.

Officer Hardin said Felicia is a "habitual runaway," whose last

Mr. Alberts, who is in his late 60s, is sick, Mr. Johnson said, and did not realize the girls were missing.

"It's a miracle to find them well and unharmed — especially in this day and time," said Sergeant Pendergrast.



NICK ARROYO / Staff

William Barr (left) tours Herndon Homes housing project with Rich- project director of the SCLC's "Wings of Hope" anti-drug program.

isits SCLC in Atlanta h anti-drug program

bureaucratic project," Mr. Barr told the Rev. Joseph E. Lowery, SCLC's president. "It must be a project where the solutions are found in the community itself."

He acknowledged that in the past decade the federal government's anti-crime efforts have relied too heavily on prison construction and not enough on crime prevention.

Mr. Barr said the federal government has entered into a "new marriage" with local activists to see that social services addressing the underlying causes of drug abuse actually reach their communities.

The Rev. Vernon Clay, national assistant director of the SCLC's "Wings of Hope" anti-drug program, said he welcomed the help but frankly told Mr. Barr that in the past "the marriage somehow gets divorced by the time the plane lands in Washington."

Mr. Barr said the House has appropriated $2.5 billion for the "Weed and Seed" program over five years. The SCLC has been selected to participate in the pilot program but is still awaiting funding.

After the meeting, Mr. Barr toured the Herndon Homes housing project, part of the "Wings of Hope" program, which works with communities and churches for drug prevention in 12 cities nationwide.

Police: Tips help keep search for baby going

Detectives busy handling calls

By Rob Johnson
STAFF WRITER

As their search for Haley Hardwick heads into its 20th frustrating day, Gwinnett police said Wednesday they still need a large team of detectives just to keep up with the tips that are rolling into the department.

Ever since the public became aware of the 7-month-old's disappearance, it has flooded police with its notions, suspicions and possible tips — and that response is one of the driving forces in the investigation.

"As long as we keep getting all these calls," Gwinnett police Chief Wayne Bolden said Wednesday, "we've got more than enough for our people to do."

In fact, the Lawrenceville Police Department, which normally hands its major cases to county detectives, continues to assist in looking for Haley. If, as Kenny Hardwick maintains, his daughter was kidnapped at the Old Norcross Road bridge, the abduction occurred just inside Lawrenceville's city limits.

And even though police are openly skeptical of Hardwick's claims that a pair of stranded motorists abducted his baby when he stopped July 3 to help them, Lawrenceville Police Chief Butch Conway has ordered a city detective to stay on the case.

Nashville case cited

isits SCLC in Atlanta
h anti-drug program

bureaucratic project," Mr. Barr told the Rev. Joseph E. Lowery, SCLC's president. "It must be a project where the solutions are found in the community itself."

He acknowledged that in the past decade the federal government's anti-crime efforts have relied too heavily on prison construction and not enough on crime prevention.

Mr. Barr said the House has approved $2.5 billion for the "Weed and Seed" program over five years. The SCLC has been asked to participate in the pi[lot] ... it is still awaiting ... from the Senate.

... a meeting, Mr. Barr toured the Herndon Homes housing project, part of the "Weed and Hope" program, which works with communities and agencies for drug prevention ... activities nationwide.

harged in sexual assault



Thelbert Owen Carroll Resigned and turned himself in on a felony charge.

fused to submit to a polygraph test or to cooperate in an internal investigation, Col. Richard Zimmerman said.

Last Thursday, Mr. Carroll, a police officer for 19 years, signed papers indicating he was tranporting a 21-year-old woman jailed on a burglary charge to a court hearing, Colonel Zimmerman said. There was no such hearing, he said.

At about 10:30 a.m., Mr. Carroll and the inmate allegedly had consensual sexual intercourse in a vacant office adjacent to a courtroom in the Cherokee County Administration building, Colonel Zimmerman said. Any sexual contact between law officers and people in their custody is considered sexual assault.

The woman allegedly believed that by having sex with the officer she would receive special treatment in court, Colonel Zimmerman said, but added that she had not been promised special treatment by Mr. Carroll.

"This is an isolated incident, as far as we can tell," Colonel Zimmerman said. "There's a sense of outrage on the part of the staff that worked with him."

Colonel Zimmerman said Mr. Carroll had a spotless record and was never even late for work.

Cherokee County police began an investigation Friday after another female inmate reported the assault incident, Colonel Zimmerman said. The inmate alleged involved in the sexual assault was moved to the Paulding County jail Saturday and will be returned to the Cherokee County jail today, Colonel Zimmerman said.

The woman told her attorney, Vernon Delaney, that she had been sexually assaulted last Thursday and Friday, and that the second incident happened in an elevator. Colonel Zimmerman said investigators had evidence that only one sexual incident between the two.

with its notions, suspicions and possible tips — and that response is one of the driving forces in the investigation.

"As long as we keep getting all these calls," Gwinnett police Chief Wayne Bolden said Wednesday, "we've got more than enough for our people to do."

In fact, the Lawrenceville Police Department, which normally hands its major cases to county detectives, continues to assist in looking for Haley. If, as Kent Hardwick maintains, his daughter was kidnapped at the Old Norcross Road bridge, the act occurred just inside Lawrenceville's city limits.

And even though police [illegible] when he stopped July 3 to help them, Lawrenceville Police Chief Butch Conway has ordered a city detective to stay on the case.

Nashville case cited

So far, the Gwinnett team of detectives has chased leads across the Southeast and tried — without luck — to find a trace of the baby's kidnappers.

Gwinnett police even received a copy of a Nashville newspaper article detailing a Fourth of July case with chilling similarities:

Just as in Gwinnett, Nashville police — and hundreds of volunteers — spent the week after the holiday looking for a missing child. The 3-year-old's custodial parents reported him abducted during a crowded riverside fireworks show.

But two weeks later, police could find no alibis for the custodial parents, and a homicide detective asked the father if he killed J.J. Bringplenty. The father confessed that the abduction story was hoax, Nashville police spokesman Don Aaron said Wednesday.

And now, after the child was found buried in Nebraska, his custodial parents are charged with a murder authorities believe occurred two months ago near nearby Clarksville, Tenn.

While they acknowledge the article, Gwinnett police are drawing no conclusions in their case from the Tennessee hoax. "This is still a missing-person case," Chief Bolden said.

1992

Police searching for infant will take weekend break

By Macon [illegible]
STAFF [illegible]

After [illegible] of non-stop searching [illegible]-month-old Haley Hardwick [illegible] Lawrenceville infant who [illegible] disappeared, Gwinnett County police say it's time [illegible] break.

Chief [illegible]den Friday said his detectives are worn out by a grueling search that has failed to [illegible]

"What [illegible] is a good weekend [illegible] and get this case [illegible] we can," Chief Bolden said. "This is the first time my men have been able to sit back and take a break."

The search will resume Monday, he said.

Haley's father, Kenny Hardwick, told police a pair of stranded motorists abducted Haley on July 3 when he stopped to help them on the Old Norcross Road bridge over the Yellow River.

But what started as a seemingly straightforward tale of baby-napping has turned into a maze of dead-end tips and fruitless [illegible]

Police [illegible] volunteers have scoured the woods, dived to the bottom of Lawrenceville lake and even dug up the backyard of the Hardwicks' rental home. They have fielded more than 250 tips of Haley sightings in places as varied as Walt Disney World and UFO [illegible]

Meantime, Hardwick's story of his daughter's disappearance has been shifting over the weeks. While he told police that she was taken [illegible] the Yellow River bridge, he reportedly told a friend [illegible] baby disappeared at the bridge on Davis Mill Road.

He also later told police that someone had burglarized his residence earlier that day and bruised Haley — an incident that police have been unable to confirm.

Although police are suspicious of Hardwick's story and name him as their only suspect, they haven't officially discounted his account. In the past week, they have shown him 20 photographs in an effort to identify the motorists, but he told them none [illegible] the kidnappers.

Georgia Boy Scouts [illegible] ing those injured when bus strikes tree in N.C.

ASSOCIATED PRESS

Topton [illegible] A bus carrying [illegible] of them Georgia [illegible], on a Whitewater [illegible] trip in the Nantahala [illegible] struck a tree, slightly injuring [illegible] of the passengers.

The injured scouts and their leaders, from the Woodruff Scout Camp [illegible] Hiawassee, were treated at Dist[illegible] Memorial Hospital in Andrews. One scout, who complained of a head injury, was flown by helicopter to a hospital near Asheville for observation.

State Trooper Keith Lovin said the bus, owned by Whitewater Express, was on U.S. 19 just south of Topton when it went out of control at 10:45 a.m. Thursday.

The bus struck a tree.

The driver of the bus, Frank Jeffrey Fair of Blue Ridge, Ga., was charged with having improper brakes and exceeding a safe speed, Trooper Lovin said.





Never has a sleep surface provided so much comfort or support!

Patients fight forced medication
Page D2

Refinancing proposal surfaces
Page D3

News briefs D2
Obituaries D4
Legal notices D5
Weather D6

'We've called Macon. We've called Florida. We've called Tennessee. We've called all over.'

Haley Hardwick's mysterious journey

New information:
Father told a friend — but not his wife — that intruders hurt baby, grandmother claims.

By Rob Johnson
STAFF WRITER

Hours after learning her baby daughter had vanished, Kathy Hardwick returned to the Pizza Hut she manages.

She'd spent most of the night standing at a Lawrenceville Citgo station, listening to her husband, Kenny, describe to Gwinnett police how 7-month-old Haley had just been abducted on Old Norcross Road.

By 1:30 a.m. on July 4, there was nothing more to tell the cops.

Her family drove her to the restaurant so she could retrieve her red Camaro. All she could do was drive home, exhausted, confused and frantic.





Kenny Hardwick, who has not been charged, remains the only suspect in the disappearance of his daughter, Haley, 7 months old.

But before she left the Pizza Hut, a co-worker gave Mrs. Hardwick an urgent phone message. She returned the call. She spoke for a moment and fell silent, her mother, Kay Britton, recalled. Then Mrs. Hardwick exploded: "*What?*"

She hung up and told her mother something else was terribly wrong.

The caller, a friend of the Hardwicks', told Mrs. Hardwick that Mr. Hardwick called him at 7 p.m., claiming he'd just been burglarized, Ms. Britton said.

Mr. Hardwick told the friend that the baby had been bruised by the intruders. Mr. Hardwick never mentioned a burglary to his wife that night, and she thought that omission was fishy, her mother said.

"She is the one who told police about the burglary — that night," Ms. Britton said Friday. "She thought it sounded strange."

Still sounds suspicious

Three weeks later, the Gwinnett police think it still sounds suspicious.

Haley Hardwick is gone, and

Please see CHILD, D3 ▶



STEVE DEAL / Staff

Good Samaritan?: Kenny Hardwick says his daughter, Haley, disappeared while he helped two men with car trouble on this section of Old Norcross Road.

PALS for the lonely sick

"When you



STEVE DEAL / Staff

The Hardwicks declined to use the phone, but asked for change, a clerk said.

Child: Father's story doubted

▶ Continued from D1

her father remains at the top of a one-man suspect list. He hasn't been charged.

Although Gwinnett police are calling her disappearance a kidnapping, they fear something more ominous: They have searched for her on the bottom of the Yellow River, sent divers into a Lawrenceville city lake and dug up the Hardwicks' yard at 402 Lexington Drive.

Hundreds of volunteers have combed the area where Haley was allegedly abducted by a pair of stranded motorists her father said he'd stopped to assist.

Mr. Hardwick has admitted that he failed a lie detector test, a fact confirmed privately by Gwinnett police.

On Friday, after three weeks of futile searching, Gwinnett police said they were going to take the weekend off from the case and would resume looking for Haley today.

Investigators have chased leads across the Southeast, hoping Haley really was kidnapped.

"We've called Macón. We've called Florida. We've called Tennessee. We've called all over," Gwinnett police Captain Ron Davis said. Police departments nationwide have been alerted to look out [illegible] wearing a Minnie Mouse outfit.

G[illegible] police said t[illegible]e going to rest[illegible]king for the today.

Citg[illegible]ience store July 3 when [illegible]ught young couple appear[illegible]

"[illegible]s been stolen. My baby [illegible]en stolen,'" she remember[illegible] woman saying.

M[illegible]wala said she told the w[illegible]e could use the phone [illegible] the counter.

The [illegible] started to accept the o[illegible]ed hesitated, Mrs. Ghodw[illegible]ecalls. "Then she said [illegible]ought it was very strange. The couple then walked [illegible]o the parking lot and [illegible] with some acquaintances for a while, Mrs. Ghodw[illegible]

"The[illegible]came back in and asked [illegible]hange for a dollar," she re[illegible]. "I told them again they [illegible]se my phone, but they sa[illegible]ey wanted change for the pa[illegible]one. So I gave it to them. [illegible]ney walked back outsi[illegible]

M[illegible]wala shrugs and [illegible] about the myste[illegible]



CHARLOTTE B. TEAGLE / Staff

Kathy Hardwick told the police about her husband's account of a burglary at their house.

CORRECTION TO OUR SHOPPERS

An error appears in our circular of July 27. The correct price for 2-litre bottles of Coca-Cola, Diet Coke and Sprite is 89¢. We regret any inconvenience this error has caused our shoppers.

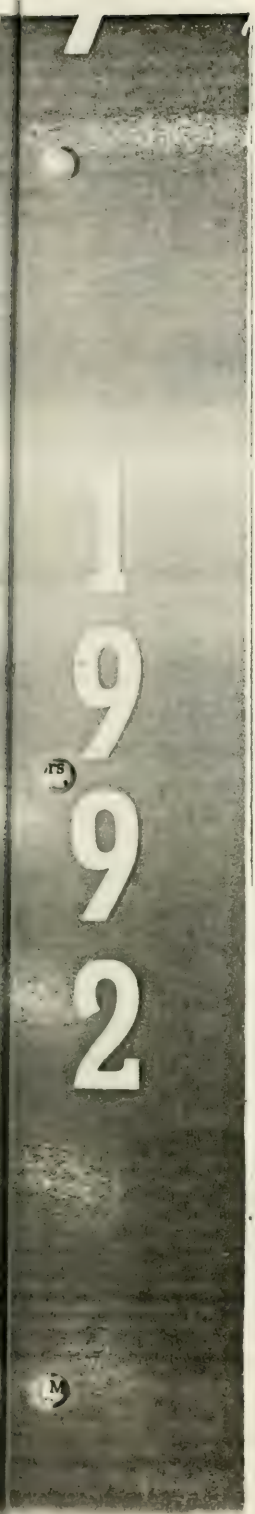


Und

ayor t
stifies

Alma E. H
WRITER

arly a ye
ruptly h
orth of t
[illegible]
[illegible]
[illegible]



"We've called Macon. We've called Florida. We've called Tennessee. We've called all over," Gwinnett police Captain Ron Davis said. Police departments nationwide have been alerted to look out for Haley, last seen wearing a Minnie Mouse outfit.

She was just learning to stand.

A storm brews

It had been storming that Thursday and Friday, and Mr. Hardwick, a landscaper, was spending the down time at home, according to his family and Mike Adler, his employer.

Mrs. Hardwick's brother, Joe Impello, was on leave from the Navy, and Friday he brought his girlfriend, [illegible] Hunter, with him. [illegible] Hardwick's truck [illegible], investigators say.

Late on the afternoon of July 3, Mrs. Hardwick left for work at the Pizza Hut, and her brother departed with his girlfriend for his mother's home.

Mr. Hardwick said he was going to spend the early evening with Haley.

He admits he had five or six beers that night.

What happened next only he knows.

Mr. Hardwick said that about 9:15 p.m. he decided to drive to his mother-in-law's home to visit again with Mr. Impello and Ms. Hunter. He says he left his subdivision, drove down Montfort Road and turned left on Old Norcross Road. He was heading west toward the Yellow River bridge, he said, when he saw two men whose car was broken down on the roadside.

"I saw the car, and I stopped," he said. "I was just going to help the guys out."

After getting their Pontiac LeMans started, he said, he returned to his gray pickup. Haley wasn't there.

"I freaked and ran around the truck looking for her," he said.

He said he chased the Pontiac down the two-lane road, but lost it. Then he called his wife on the pay phone in the lot of a Citgo station to tell her Haley had been kidnapped.

Her co-workers called police and rushed her to the intersection of Davis Mill and Old Norcross roads.

The parking-lot assembly

Bonnie Ghodiwala was working behind the counter of the they could use my phone, but they said they wanted change for the pay phone. So I gave it to them, and they walked back outside."

Mrs. Ghodiwala shrugs and says she didn't ask any more questions about the mysterious assembly in her parking lot — although she later identified the couple as the Hardwicks.

The police arrived moments after the couple left the store a second time, Mrs. Ghodiwala said.

Mr. Hardwick gave officers a lengthy account of the kidnapping, describing his furious search. Police say they looked for a while, too, but found nothing.

Mrs. Hardwick was frantic, [illegible] Her [illegible] for a while. By 1:30 a.m., it was time to leave.

Pictures of Haley

Since their first inkling that night that Mr. Hardwick might be lying, police have identified several inconsistencies in his story.

► His boss, Mr. Adler, told police that Mr. Hardwick definitely told him Saturday morning that the abduction occurred on the Yellow River bridge on Davis Mill Road, not Old Norcross.

"He said, 'Did you hear what happened? It's all over the news,' " Mr. Adler said. "He said it like it was something that happened to someone we both knew, not like it happened to him."

Mr. Hardwick says Mr. Adler must have misunderstood him.

► Police point out that Mr. Hardwick never reported the intruder who he says injured his child and stole his guitar.

In addition, detectives and experts on missing-children cases note that baby snatchings are rarely crimes of opportunity committed by men. Most infant abductions are carefully planned by a woman who wants a baby for herself.

But the police continue to work the case as a kidnapping, and Mrs. Hardwick, now separated from her husband, spends her days at her mother's house. She has distributed hundreds of fliers and frequently attends briefings at the police station.

"She comes down from bed and stares at the pictures of Haley," Ms. Britton said. "And she clutches that child's blanket. We get up in the morning and sometimes we don't know what to do."

[illegible] price for 2-litre bottles of Coca-Cola, Diet Coke and Sprite is 89¢. We regret any inconvenience this error has caused our shoppers.

Bruno's
FINER FOODS

NOTICE OF NONDISCRIMINATORY POLICY AS TO STUDENTS

The Alfred and Adele Davis Academy (The Davis Academy"), located at 460 Abernathy Road, Atlanta, Georgia 30328, admits students of any race, color, national [illegible] to all the rights, privileges, programs and activities generally accorded or made available to students at the School. It does not discriminate on the basis of race, color, national and ethnic origin in administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school administered programs.

NOTICE OF NONDISCRIMINATORY POLICY AS TO STUDENTS

Atlanta Speech School admits students of any race, color, national and ethnic origin to all the rights, privileges, programs and activities generally accorded or made available to students at the School. It does not discriminate on the basis of race, color, sex, national and ethnic origin in administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs.

ATLANTA SPEECH SCHOOL
3160 Northside Parkway, N.W.

The Problem
NAIL FUNGUS
The Solution
FUNGI NAIL®

Try this safe, simple, effective remedy for the symptoms of embarrassing nail fungus. *Fungi Nail®* fights thick, split, discolored nails. Two powerful anti-fungal agents fight infection on toenails and fingernails and work to eliminate the actual fungus. Easy to apply as nail polish. No prescription necessary.

Do You Use Artificial Nails?
Then use *Fungi Nail®* to prevent the nail fungus associated with artificial nails.

Available: Footcare & Cosmetic Depts.
Drug Emporium, Big B Eckerd, Treasury
and other fine drug stores



Photos by JOHN SPINK / Staff

...eads a Spanish class as a part of Morris Brown College's Kids College, a ...ment program for elementary and junior high school students.

...mmertime at AUC

...e At-
...nter
...ace
...e

...ned
...not
...ow-
...t the
...nts

...icle ...ge C3



An instructor who identified himself as Brother Atu teaches African dance to seventh- and eighth-graders at Morris Brown.

...police said Monday they did
...ld to help when a woman
...to take a gun away from her
...en though he later was ac-
...ng the gun to kill her.

...ing to determine how the
...ld have been avoided. Offi-
...nthia Smith had no bruises
...to take out a warrant, apply
...ive order or leave the house
...arrived.

...er, Henry G. Smith allegedly
...o death in their driveway.
...Georgia law, they needed
...cause to believe a crime had
...bruises, overturned chairs,
...apons — before they could
...e to jail.

...ng him would have legally
...rights," said
...n. "All he
...orts and

...rs urged Mrs. Smith
...se, and she even
...rned without calling
...r — which police often do in
Mr. Johnson said. "That's
...es killed.

'...ook bad'

...mes if the victim used a lit-
...common sense, this kind of
...n't happen," he said.
...es said Mrs. Smith warned
'... when you get back, I'll
Mr. Johnson said he has not
...any of the officer's reports.
...es us look bad, but you can't

Please see **EXPLAIN**, C6 ▶



...EAGLE / Staff
...Kathy
...id Monday outside
...olice headquarters.

Missing baby's mom: I'm te...ng truth

Says she passed lie-detector test

By Rob Johnson
STAFF WRITER

The mother of missing 7-month-old Haley Hardwick reported to Gwinnett County police headquarters Monday to clear her name publicly, she said, especially after her husband accused her of taking part in her daughter's disappearance.

Kathy Hardwick said she easily passed a police lie-detector test.

"I'm not a suspect," Mrs. Hardwick declared at the front stoop of Gwinnett police headquarters. "Never was. Never will be."

But according to a message he left on his mother-in-law's answering machine during the weekend, Kenny Hardwick believes otherwise.

with this." Mr. Hardwick allegedly said to his wife on a tape played Monday by police. "If you do, you better confess up," he continued. "I'm going to go find my [expletive] daughter. If you want to kill yourself, go ahead. But I'm standing tall and hanging tough."

Gwinnett police Chief Wayne Bolden said the suicide reference was from one of the many recent television interviews Mrs. Hardwick has granted. But Monday, Mrs. Hardwick said she only wanted to get her baby back and to return to her job as a Pizza Hut manager.

She added that, aside from worrying over the fate of her daughter, she has been ambushed by the public's growing perception that perhaps she had something to do with Haley's disappearance July 3.

The child's father told police Haley was abducted by a pair of stranded motorists he stopped to assist on

...ce, however, doubt his ac-
...and have named him their only
...ect. On Monday night, he was
...ed in Lawrenceville on traffic
...ges, including lack of insurance
...ation of the open-container
...was being held at the Gwin-
...unty Jail.

...Hardwick, and later Chief
...said her polygraph test was
...ered by mutual decision.
...ef wouldn't release the re-
...t said she wasn't a suspect.
...said she was always confi-
...e would pass — something
...band has admitted he did not
...n earlier polygraph test.

...there were painful questions
...to answer, she said:
...you plan or assist in the
...earance of Haley?'"

...nd that real offensive," she
...mother asked whether she
...ere Haley was. She said she
...xaminer she did not.

cs

gain!



MARLENE KARAS/Staff

not only gave the Americans
l-around competition.

rovide money
s, Miller says

he 1996 Olympics. For example, he
d the state must consider building
he fourth expansion of the Georgia
orld Congress Center in time for the
Games.

"You would have to see this and
ve to fully comprehend the enor-
the task we've got before us,"
Miller warned.

The governor and his wife, Shir-
ley, were accompanied on the tour by
Lt. Gov. Pierre Howard and U.S. Rep.
Lindsay Thomas (D-Ga.), who is leav-
ing Congress in

Police set media trap to help trip Hardwick

Constant spotlight led up to confession

By [illegible]
STAFF WRITER

Their suspicion and circumstantial evidence was [illegible] stonewalling; physical evidence they [illegible] Gwinnett County police [illegible] decision that ultimately broke Kenny Hardwick and revealed the secret he had kept for 25 [illegible]

▶ Family, friends cope with loss E1
▶ A chronology of the case E5

In the days after 2-month-old Haley Hardwick disappeared, Gwinnett Police Chief Wayne Bolden and his top aides worked out their plan: They would turn up the publicity heat on Hardwick until the pressure made him unravel.

"We were thinking, 'He's a suspect, our Number 1 suspect,' " Chief Bolden said. "So we decided in that meeting we would go straight to the press."

The heat was intense. Hardwick was hounded by newspaper, television and radio reporters, whose questions became more and more pointed as they picked apart his incredible tale of unknown burglars and roaming kidnappers. The police fed the frenzy, saying repeatedly that they didn't believe Hardwick and calling him their only suspect.

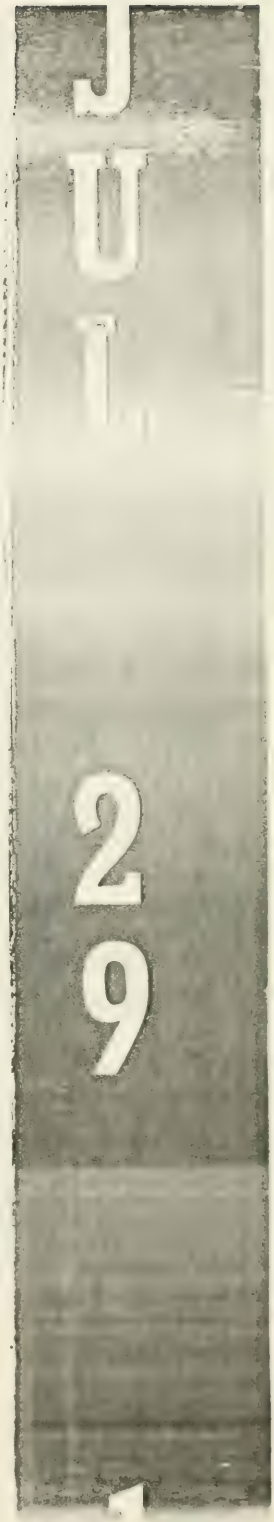
He finally broke early Tuesday, leading police to remote Gwinnett woods where he'd left his daughter for dead. He was charged with murdering her.

"Our pressure never ceased," the chief said Tuesday. "We talked to his friends. We talked to his neighbors. And we talked to him. We told him that we were not going to forget this case. After the initial horror of a case wears off, sometimes people think you might start to slack off.

"We made it clear to Kenny that wouldn't be the case."

Beyond the media circus, police were applying other kinds of pressure. Investigators often followed Hardwick, calling him at friends' homes or dialing his digital pager to check up on him. The cops warned him not to leave the state, and early on police cars cruised through his neighborhood at all hours — a subtle reminder to the suspect.

Because Hardwick wasn't speaking to police, on the advice of his attorney, detectives taped his TV statements and [illegible] accounts of his frequent inter-



ACOG's chief operating of

"It brought home to me how much we have to do," Mr. [illegible] ard said after touring the [illegible] pic Village. "The opportu[illegible] even greater than I imag[illegible] think we'd be foolish n[illegible] ase it."

In Atlanta, some state le[illegible] tors expressed support [illegible] Olympic cause but pointed [illegible]

(D-Douglasville), a member of the joint World Congress Center Overview Committee, said: "We have to go ahead with the fourth expansion as soon as possible; the economic situation [illegible] determine when we can [illegible]

But he added, "[illegible] biggest assistance will be in the infrastructure [illegible] dges, roads."

And the governor has his eye on the future.

"How we do t[illegible] going to determine how the world looks on Atlanta for the [illegible] years," he said. "It's [illegible] portant [illegible] and four [illegible] going to fly by."

Phyllis Perry reported from Atlanta

Hardwick: Police made sure he was in spotlight

Continued from A1

[illegible] ny's statements and [illegible] ter they were [illegible] ago.

"We got lucky before [illegible] could do anything," [illegible] said.

The daily Hardwick story

The Haley Hardwick story was close to a daily item on the radio and TV and in metro Atlanta's newspapers. Since the story broke July 4, for example, The Atlanta Journal-Constitution ran more than 25 reports.

"In some ways, I think the police were trying to use the news media to keep pressure on Barry to see if he would break," said Risa Blumen, assignment manager for News at Ten, WGNX/Channel 46. "We were definitely in the middle. In a story like this, it's easy to get wrapped up in that, but I think we gave it even coverage."

Not only were news reporters constantly asking Hardwick for interviews — and getting them — the 23-year-old landscaper's friends and family were wearing him over, too, Chief Bolden said Tuesday.

"Even they were having doubts," he said. "The pressure from the community became enormous."

Indeed, his wife, Kathy Hardwick, often said she wavered in her support for her husband and their marriage dissolved days after Haley disappeared.

During the weekend Hardwick left a message on her mother's answering machine, brazenly accusing his wife of having something to do with Haley's disappearance.

[illegible] mediately followed, contacted an [illegible] Burnette.

A break in the case

The cops' lucky break began with a routine traffic stop in Lawrenceville Monday night.

Gwinnett police officer Rick Poteat saw Hardwick in a Pontiac LeMans, allegedly drinking alcohol while he cruised into Lawrenceville on Old Norcross Road.

Sergeant Poteat pulled him over near a shopping center, Chief Bolden said, and when he realized whom he had stopped, the officer called headquarters.

"He told us who he had," Chief Bolden said. "We told him to handle it just like he was anyone else. If it was jailable, take him to jail."

Hardwick was arrested on charges of driving without proof of insurance, the open-container violation and a failure to signal.

Police say they were not shadowing Hardwick and point out that when he was caught riding on a motorcycle without a helmet last week, he was only given a ticket.

But Monday night, Hardwick had just been fingerprinted and photographed by Gwinnett sheriff's deputies when he told them he wanted to see detectives. By 2:20 a.m., he had confessed to the whereabouts of his daughter's body.

Gwinnett District Attorney Tom Lawler said Tuesday that the media coverage had clearly helped crack the case.

"You guys did real well," he said. "Usually you are in the way, but you kept the heat on him."

Staff writer Bill Rankin contributed to this article.



[illegible] been charged [illegible] ing his daughter [illegible]

KIDS EAT FREE at SHONEY'S
Wednesday 4 p.m. Close
Kids 12 and under FREE with Adult Meal Purchase

TRUST Treasury Drug
PRICES GOOD THROUGH 8-1-92
Maximum Strength 5.99 ·5's
MAXIMUM STRENGTH ANACIN
Tablets or Caplets 5.89 ·100's
COATED CAPLETS ANACIN FAST PAIN RELIEF

airport impasse
Page E2

weekend pass
Page E2

Obituaries E5
Classifieds E7

'We knew this day was coming'



CHARLOTTE [illegible] Staff

A bouquet of flowers sit[illegible] entrance of the road leading to the grave where police found Haley Hardwick's bod[illegible]

A short life, a shallow grave for Haley Hardwick

By Rob Johnson
[illegible]

[illegible] of earth, covered with a thin
layer of pine straw.
[illegible]



CHARLOTTE B. TEAGLE / Staff

A bouquet of flowers sits at the entrance of the road leading to the grave where police found Haley Hardwick's body.

A short life, a shallow grave for Haley Hardwick

By Rob Johnson and Kay Torrance
STAFF WRITERS

Even though he confessed that he abandoned his injured baby daughter in an open field where she might die, evidence suggests that Kenny Hardwick — who had fabricated an elaborate kidnapping tale to cover his tracks — still hasn't told the complete truth, authorities said Tuesday.

After he told Gwinnett County police early Tuesday that he left 7-month-old Haley Hardwick alive on the red-clay ground of the Mud Face on July 3 after discovering a abrasion on her nose, investigators discovered her body instead buried beneath 20 inches of earth, covered with a thin layer of pine straw.



from a family album.

And Gwinnett County Medical Examiner Joseph Burton said a preliminary autopsy revealed that Haley probably suffered the fatal injuries before she was buried.

"I ruled that her death is consistent with blunt trauma to the head from at least one and probably more blows," Dr. Burton said Tuesday. More tests are expected, he said.

Gwinnett District Attorney Tom Lawler said his office may seek the death penalty against Hardwick, who was charged with one count of malice murder, one count of felony murder and one count of cruelty to chil-

Please see HALEY, E5 ▶



Polo scores a solid hit



Recount confirms Gingrich victory

GOP Senate votes still being tallied

By Mark Sherman and Charles Walston
STAFF WRITERS

▶ [illegible] the 4th E5

A recount of the Republican [illegible] 6th Congressional District pri- [illegible] counting [illegible] ballots [illegible] recount was in

Haley: Police charge father with murder in baby's death

▶ Continued from F1

from A dozens ... away, he said.

"We all ... coming," said Ron Impello, Hardwick's father-in-law. "I ... public, ... Tuesday ...

Hardwick ... the ... county ... the discovery ... body. Mrs. Hardwick, who is three months ... couple's second child, was released ... Tuesday ... nausea and contractions.

While at the doctor's, she heard the unborn baby's heartbeat for the first time and "cried and cried," said her mother, Kay Britton. She returned home later in the morning and wouldn't talk to reporters.

"I feel so sorry that my daughter fell in love with a man and within him laid the potential to do this," said Ms. Britton. "She is realizing and grappling with the fact that, my God, my husband . . . She's lost her dreams."

Neighbors near the Hardwicks' former Lawrenceville duplex said the case has changed their daily routine.

"People are keeping their kids closer to them now. It makes you want to hug your child," said Angela Haney.

"People are kinder here now," said Sherry Alverson. "I mean if someone comes out of ... and you ... and you ... and you

to reporters.

"I feel [illegible] that my daughter fell in love with a man and within him found the potential to do this," said Ms. Britton. "She is realizing and grappling with the fact that, and my husband ... She's lost her dreams."

Neighbors [illegible] the Hardwicks' former Lawrenceville duplex said the [illegible] has changed their daily routines.

"People [illegible] keeping their kids close [illegible] now. It makes you want to [illegible] your child," said Angela Haley.

"People [illegible] easier here now," said [illegible]. "I mean if [illegible] their [illegible] tion [illegible] saw [illegible]

"[illegible] media [illegible]

"I cried [illegible] watching [illegible] don't want to know what [illegible] could [illegible] hurt a little baby like that."

A cover [illegible]

Forensics investigators said that, based on Hardwick's alleged confession, they assumed that they were looking for a child's body lying on the ground during their predawn search Tuesday.

But after the sun rose, they spotted some freshly dug earth beneath the [illegible] straw. There they found Haley, still dressed in the Minnie Mouse outfit her mother last saw her in before she left for work at 5 p.m. July 3.

Hardwick has told police that Haley began crying that night and that he took her out of her crib and placed her in the living room floor. [illegible] after a bottle, police say he took them, then headed outside to do some yardwork.

He said he [illegible] her crying, ran inside and found her choking.

Gwinnett police Chief Wayne Bolden said Hardwick told them he panicked, put her in his truck and drove her to the Mud Flats.

Hardwick almost admitted that he was involved last Wednesday night when a prayer group visited the Britton home, Ms. Britton said Tuesday. His wife and Ms. Britton pleaded with him, but "a wall came up."

As late as 7 p.m. Monday, Hardwick was sticking to his story that his daughter had been kidnapped by a pair of motorists he stopped to assist.

Pastors and funeral homes have offered their services free of charge, Ms. Britton said. The family wants to have a funeral for Haley that is open to everyone, [illegible] "the story has been so public." No service has been scheduled.

Mr. Impello said he did not [illegible] when he met him [illegible] a half ago [illegible] had told [illegible] early in their relationship.

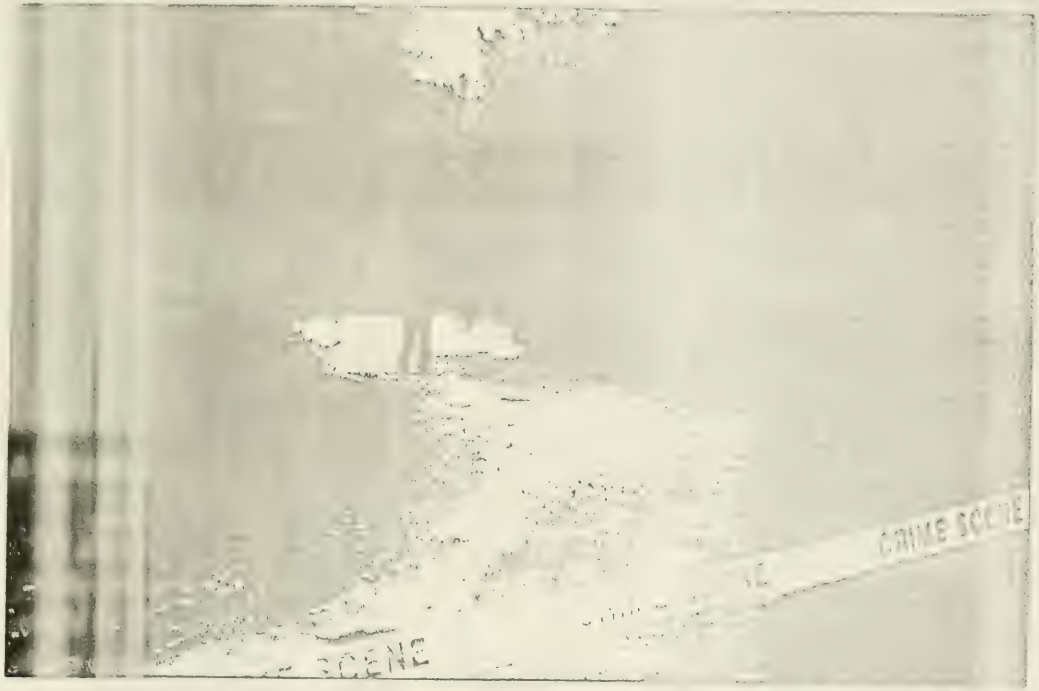
Now, Mr. Impello's concern rests with his daughter, he said, adding he hopes she will revert



Chronology of the Hardwick case

- July 3 — [illegible] Hardwick tells Gwinnett police that his daughter, Haley, [illegible] he says he was driving [illegible] when he stopped to help two men who appeared to be having car trouble. [illegible] when he returned to the pickup, Haley was gone, her [illegible] unbuckled and empty.
- July 4 — [illegible] police say they are treating the case as a kidnapping.
- July 6 — [illegible] and Kathy Hardwick [illegible] the person pleading for the return of Haley, last seen [illegible] a Black Conference Minnie Mouse outfit.
- July 6 — [illegible] Hardwick voluntarily [illegible] — but fails — a lie detector test at [illegible] Bartlett police headquarters.
- July 27 — [illegible] 30 volunteers [illegible] search [illegible] Pinckneyville Road [illegible] Jones Road [illegible] [illegible] nothing.
- July 27 — [illegible] Hardwick [illegible] a lie detector test at [illegible] police headquarters.
- July 27 — [illegible] about 9 p.m., Kenny Hardwick is arrested in Lawrenceville [illegible] traffic charges. At the jail, police say he had told [illegible] the "mud flats" area [illegible] Buford Highway and Boggs Road.
- July 28 — [illegible] Hardwick is charged with malice murder, felony murder, cruelty to children. [illegible] police find the buried remains of Haley, still dressed in her Minnie Mouse outfit.

...ts' was popular with bikers



A Gwinnett police officer walks toward the spot where 7-month-old Riley Hardwick's body was found

"It's always been kind of a family-oriented spot. There would be 50 or more people riding around and having a ball."

Mourners gather at Haley's grave, bringing flowers, tears with them

By Jennifer J. Mack

Hundreds made their way Wednesday to the primitive grave where the

Each hour, about 50 people traversed the narrow entrance of the Mud Flats area near Lawrenceville to the site. Flowers were left by visitors all along the entrance road at the 208-acre tract once popular with

said Bobby Jones, 31, of Marietta, who circled rocks around flowers left at the entrance. "I feel real sad. I have an 8-month-old girl and when I heard the news yesterday, it was like I was sad all day long."

Mr. Jones stayed about 45 minutes. At one point, he found a piece of wood, broke it in half and made a cross to put among the flowers.

Six-year-old Leaonzia Layton picked a red flower to bring to the shallow grave where police discovered Haley's body Tuesday morning.

"I want to see Haley," said Leaonzia. Her parents, Joseph, 32, and Viviann, 35, and her 3-year-old brother live in a trailer park just behind the Mud Flats, an area near Georgia 120 and Interstate 85.

According to police, Haley's father, Kenny Hardwick, has admitted abandoning the baby in the area, saying he panicked after finding her choking and bruised in his living room.

Because of the interest in Haley's case, her family has opened her funeral to the public. The infant will be buried after a 10:30 a.m. ceremony Friday at Peachtree Memorial Park in Norcross, behind Crowell Brothers Funeral Home.

The family also asked that today's visitation from 4 to 9 p.m. at the funeral home be open to the public. In lieu of flowers, donations may be sent to the National Association for Missing and Exploited Children at NationsBank branches.



STEVE DEAL / Staff

Bobby Jones of Marietta places a cross at the entrance to the Mud Flats, where Haley Hardwick's body was found.

"I think the whole community was touched. . . . I felt like it was my child because I followed the story."

■

MELONIE POWERS
Duluth resident

my child because I followed the story.

need for closure, or a ceremony to mark the loss of a person and the beginning of a new phase of

ery day for the 25-day investigation, Dr. Floyd said. "This

are many people who felt they knew this child."

On Wednesday, Cathy Wilburn, 34, of Norcross brushed as she walked



CHARLOTTE B. TEAGLE / Staff

As cameras focus in, Kathy Hardwick speaks to the media Wednesday in front of her mother's house.

Reporters carry out vigil at Haley's mother's door

By Kay Torrance
STAFF WRITER

While television crews and newspaper reporters staked out the Peachtree Corners house where Kathy Hardwick was staying, a neighbor picked up his mail and said, "I'll be glad when you damn people leave here."

All day Tuesday and Wednesday the media camped outside in hopes of getting Mrs. Hardwick's reaction to her husband Kenny's statement to police that he left their 7-month-old daughter alone to die in a wooded area near Lawrenceville.

Cars and television vans, including two 25-foot-long satellite trucks, lined the small street leading to the home of Mrs Hardwick's mother, Kay Britton.

Ms. Britton talked to the media throughout the day Tuesday — even ordering them pepperoni pizza during the dinner hour — but said her daughter was too distraught to comment.

But that didn't deter reporters.

They stayed anyway.

Two television reporters asked to use the bathroom at the Britton home in hopes of finding Mrs. Hardwick, but did not see her while inside.

Ms. Britton said members of the media — once strangers — had become friends. The pressure of daily news stories helped prompt Hardwick to confess the location of her granddaughter's body, she said.

Mrs. Hardwick told reporters she didn't want to know the details of the discovery of Haley's body.

Before Ms. Britton said good night Tuesday, she thanked the media for their coverage of the case.

They returned to her doorstep Wednesday morning.

Saying she wanted to get out her own unedited message Wednesday, Mrs. Hardwick held a news conference at 6 p.m. with TV stations carrying it live.

She warned reporters beforehand that she did not know the details of the discovery of Haley's body — and she didn't want to know. She was afraid the stress would cause a miscarriage, she said.

"I'm not capable of handling it," said Mrs. Hardwick, who is three months pregnant with the couple's second child.

Beforehand, reporters said they did not want to be insensitive toward a family in anguish.

WSB-TV reporter Joyce Oscar, who has a 4-month-old daughter, said she was wording her questions carefully in hopes that she wouldn't upset Mrs. Hardwick.

Wednesday morning, one producer asked a cameraman to tail Mrs. Hardwick to her doctor's office. He complied but complained, saying the coverage was becoming too voyeuristic.

Another television reporter told a producer at her station that she was not going to continue to ask for an interview with Mrs. Hardwick, who had avoided the media Tuesday and most of Wednesday.

Meanwhile, the CBS News show "48 Hours" sent a cameraman and sound technician back to Atlanta on Tuesday night to close the story of Haley Hardwick.

They filmed the news conference Wednesday, then left.

Idle television crews began setting up at 3 p.m. for the news conference in Ms. Britton's driveway, and WSB even offered to provide a podium.

"She's not running for public office," one television reporter observed.

philosophers who hash out politics and world affairs at Mr. Hudson say the senator may be nearing the end of his 40-year career in the state Legislature.

understood in this state ordinary ... been ... ing elected longer. "[illegible]

in the first runoff of his controversial tenure in the state Senate.

He's going to have an uphill ... to pull this out," said ... Torrance, a fixture at Mr. ... on from 6 to 8:30 most ...

spectful of Culver Kidd's power.

Mr. Kidd himself says he is stunned to be in the Aug. 11 ... off. Of the three Democrats ... week's primary, he was ... on ... the ... of the vote ...

... was so respectful of Mr. Kidd's power that for a year he kept his candidacy a secret from his own brother, Jimmy, the mayor of this small Middle Georgia city ... and one of Mr. Kidd's staunch supporters.

I knew he would tell C...

Police: Witness saw father near grave

Caller may help to strengthen ... case against dad

By ... and ... Williams
Staff writers

Even though Kenny Hardwick has confessed to leaving his 7-month-old daughter for dead, Gwinnett County law enforcement authorities continued ... Wednesday, including a tip about possible witnesses, to strengthen their case against the jailed landscaper.

"We have a witness, possibly two or three, who saw Kenny Hardwick that night at the Mud Flats," Gwinnett Police Chief Wayne Bolden said Wednesday. The caller told police he and his friends helped a man fitting Hardwick's description repair a loose battery terminal on his truck at the site where Hardwick has confessed that he left his baby July 3, the chief said.

At a press conference Wednesday evening, Hardwick's wife, Kathy, said she has forgiven him. "If I walk around with anger, he's won," Mrs. Hardwick said before cameras outside her mother's Peachtree Corners home. "He's hurting right now. I feel sorry for him. He has to live with it."

Chief Assistant District Attorney Danny Porter said Wednesday afternoon that the witness is an important element of the case. "The fact that we found the body there corroborates his confession," Mr. Porter said. "This witness just further corroborates it."

The district attorney's office has said it may seek the death penalty against Hardwick, who is charged with murder and cruelty to children. A decision could come as early as today.



CHARLOTTE B. TEAGLE / Staff

Kathy Hardwick, Haley's mother, puts a hand to her face after her mouth began to quiver during a meeting with reporters outside her mother's home Wednesday.

▶ Mourners bring flowers, tears to Haley's grave. D2

Duplex searched

Meanwhile, Gwinnett crime-scene technicians, search warrant in hand, checked the Hardwicks' Lexington Drive duplex for evidence of Haley's death. Hardwick told officers in his confession that he found his daughter choking on the living room floor, near the fireplace, with an abrasion on her head.

He said he panicked and drove her to the Mud Flats, police said. But police have said they found no blood in the truck.

The Gwinnett medical examiner's office has said in a preliminary report that she probably died from blunt trauma to the head and that her injuries were consistent with those of child abuse victims.

Mrs. Hardwick believes she played a role in Hardwick's decision to tell police that he took Haley to the Mud Flats.

"I hope it was me," she said. "His main objective was to hold on to me. After three and a half weeks, he realized I was gone. He didn't have a soul to lean on."

Staff writer Kay Torr... contributed to this article.

D.A. wants death penalty for Hardwick

Surprised legal experts cite publicity

By Mike Rose Pollitzer
STAFF

Gwinnett County District Attorney Tom Lawler will seek the death penalty for Kenny Hardwick, a Lawrenceville landscaper accused of murdering his 7-month-old daughter, Haley, and burying her in a wooded area of Gwinnett County called Mud Flats.

The decision surprised some legal experts because of the apparent lack of aggravating circumstances required to make murder a capital offense.

"The bottom line is that this murder is no different than any other murder, except that the alleged victim was a child," said [illegible] lawyer who has defended death penalty cases. "The only reason they are in fact seeking the death penalty is that it is a highly publicized case with a fairly annoying defendant."

But Mr. Lawler cited a section of state law permitting execution for murder if the act was "outrageously or wantonly vile, horrible, or inhuman in that it involved torture, depravity of mind or an aggravated battery to the victim." He said the decision was "based the total evidence in the case, the total facts."

Mr. Lawler's decision came a day after Kathy Hardwick said she had forgiven her husband. Thursday night, her mother, Kay Britton, said, "I know Kathy does not want the other penalty against him, and I will support her 100 percent."

Ronnie Batchelor, Mr. Hardwick's attorney, said that because of the case's publicity he will seek a change of venue.

On Thursday, legions of mourners continued to leave poems, letters, teddy bears and flowers at the site where Haley's father allegedly buried her. Police estimated the lunchtime crowd at 200.

Later in the evening, a stream of people visited Crowell Brothers Funeral Home. They waited for a chance to hug Kathy Hardwick, who held sonogram pictures of her unborn child, and passed by the small casket [illegible] said Jennifer Blackmon, 19, drove [illegible] Griffin with her 2-year daughter, Taylor.

Hardwick, 23, is in isola custody at the Gwinnett Cou Jail, charged with malice m der, felony murder and cruelt children. He told police that baby had bumped her head that he had panicked and left in the woods. The child had b missing since July 3 and her ther had maintained until Tu day that she had been kidnapp

Staff writers Rob John Bill Rankin and Macon M house contributed to this arti

Fire near stadium blazes all night

Materials at site cause concern

By Bill Robinson
STAFF WRITER

Firefighters struggled for hours Thursday night to contain a warehouse fire so intense it melted parts of a corrugated steel building and sent huge clouds of smoke boiling up from southeast Atlanta.

The area near Atlanta-Fulton County Stadium was not evacuated, but officials were monitoring the site early this morning to make sure there was no health hazard from chemicals, plastic and other materials in the buildings at 68 Milton Ave. S.E.



Gwinnett getaway

In tomorrow's Extra: "City slickers" can get away to the Eagle Adventure Company in McCaysville for a taste of the Wild West.

CALENDAR Page 3

Park. At right, an intent Lauria Bryant, 7, gets some coaching on how to serve the volleyball from camp counselor Jessalyn Salter. The minicamp, which started Monday and ends Aug. 7, [illegible] for those 7 to 11.



DA's decision to seek Hardwick's execution puzzles some lawyers

By Mara Rose Williams
STAFF WRITER

Gwinnett District Attorney Tom Lawler's decision to seek the death penalty for Kenny Hardwick, accused of killing his 7-month-old daughter, has surprised some in the local legal community.

State law clearly defines the circumstances that justify capital punishment in murder cases, and those circumstances were not evident to some experts.

"It surprises me, this case doesn't sound like a death penalty case," said Atlanta lawyer Donald Samuel. "This could have been an accident, or reckless conduct, and that would make it involuntary manslaughter." The maximum sentence for involuntary manslaughter is 10 years.

"My first reaction would be there are no aggravating circumstances to warrant the death penalty, but that would depend," said criminal lawyer Bruce Harvey. "If she was not buried alive, there would not be sufficient reason."

Early Tuesday, after having told police since Haley's July 3 disappearance that she had been kidnapped, Hardwick told a different story: He said he left the baby alone in his Lawrenceville house and returned to find she had pumped her head and was choking. He took her into the woods and left her, he said.

"If she was not buried alive, there would not be sufficient reason."

BRUCE HARVEY
Criminal lawyer

Police found her in an area called Mud Flats, buried 2 feet deep and covered with pine straw. But Hardwick said he did not bury Haley.

Hardwick was charged with malice murder, felony murder and cruelty to children.

Malice murder is how state law defines deliberate killing. Felony murder is murder during the commission of a felony — which in this case would be cruelty to children. Hardwick could be convicted of all three crimes.

When Mr. Lawler announced Thursday he would seek the death penalty, he cited a section of the law that permits execution for murder if the act was "outrageously or wantonly vile, horri-

Please see **HARDWICK, J10** ▶

Criteria for death penalty

Under Georgia law, the death penalty may be imposed for murder in the following circumstances:

▶ The offense ... was committed by a person with a prior record of conviction for capital felony.

▶ The offense ... was committed while the offender was engaged in the commission of another capital felony or aggravated battery, or the offense of murder was committed while the offender was engaged in the commission of burglary or arson in the first degree.

▶ The offender, by his act of murder ... knowingly created a great risk of death to more than one person in a public place by means of a weapon or device that would normally be hazardous to the lives of more than one person.

▶ The offender committed the offense of murder for himself or another, for the purpose of receiving money or any other thing of monetary value.

▶ The murder of a judicial officer, former judicial officer, district attorney or solicitor, or former district attorney or solicitor committed during or because of the exercise of his official duty.

▶ The offender caused or directed another to commit murder or committed murder as an agent or employee of another person.

▶ The offense ... was outrageously or wantonly vile, horrible or inhuman in that it involved torture, depravity of mind, or an aggravated battery to the victim.

▶ The offense of murder was committed by a person in, or has escaped from, the lawful custody of a peace officer or place of lawful confinement.

▶ The murder was committed for the purpose of avoiding, interfering with, or preventing a lawful arrest or custody in a place of lawful confinement, of himself or another.

Hardwick's charges

Kenny Hardwick is charged with malice murder and felony murder. Under state law:

▶ A person commits the offense of murder when he unlawfully and with malice aforethought, either express or implied, causes the death of another human being.

▶ Express malice is that deliberate intention unlawfully to take the life of another human being that is manifested by external circumstances capable of proof. Malice shall be implied where no considerable provocation appears and where all the circumstances of the killing show an abandoned and malignant heart.

▶ A person also commits the offense of murder when, in the commission of a felony, he causes the death of another human being irrespective of malice.

Hardwick: Decision to seek death penalty raises questions

• Continued from J1

victim."

Decatur lawyer Calvin A. Leipold Jr. suggested Thursday that if Mr. Lawler is looking at the aggravated battery test, "That would lead one to assume the district attorney has received information ... examiner that strongly supports that position."

... said he found, consistent with the examiner's finding ... "beat heavily."

Staff writers Bill Rankin and John McCosh contributed to this article.

The office says Haley's autopsy found no evidence of past physical or sexual abuse.

The case against Hardwick, Mr. Leipold said, "would, I think, come exclusively to what he told police, the physical evidence ... and what he would do ...

DIG INTO FOOD NEWS EVERY THURSDAY.
THE ATLANTA CONSTITUTION



FRAMED ART
25% OFF
CUSTOM PICTURE FRAMING
THE A FRAME
ACTION POINT FLEA MKT
BRING THIS AD IN FOR A FREE GIFT!
524 Buford Dr. Lawrenceville
Thurs-Fri & Sat 995-8781

DIAMONDS
WHOLESALE DIAMONDS
FREE (EXAMS) (With This AD)
SUPER DIAMOND SPECIAL-30 DAYS ONLY THRU AUGUST 31st

Diamond Solitaire	Comparable Quality	A Quality
½ CT	$499	$299
½ CT	$749	$499
1 CT	$1499	$999
Tennis Bracelets		
1 CT	$549	$299
3 CT	$1799	$999
4 CT	$3999	$1199

GOLD CHAINS & BRACELETS
$9.99/gram
35% OFF ON ALL REPAIRS
Medlock Pl., Ste. 130 • N. of NAPA Auto Parts
5380 Peachtree Ind. Blvd., Norcross • 729-9020
HOURS: 10-8 pm Mon.-Sat.
729-9020

ADAMAS
IS
CLOSING OUR RETAIL STORE

After five years, Adamas Diamonds is closing our retail store. You are invited to take advantage of this opportunity to cash in on fine jewelry at savings of 40% to 60% on every item in the store.

ENTIRE JEWELRY INVENTORY 40%-60% OFF!

EVERYTHING WILL BE SOLD - COME EARLY FOR BEST SELECTION



ADAMAS
4028 Holcomb Bridge Rd
Norcross • 441-[illegible]
(Across From Drug Emporium)

DIAMONDS • GOLD • PEARLS • EMERALDS • RUBIES • SAPPHIRES • WATC



CHARLOTTE B. TEAGLE / Staff

Many mourners at Haley Hardwick's funeral Friday did not know the baby's family. Matthew and Theresa Oliver offer mother Kathy Hardwick condolences and let Mrs. Hardwick hold their child, Mason.

The kindness of strangers

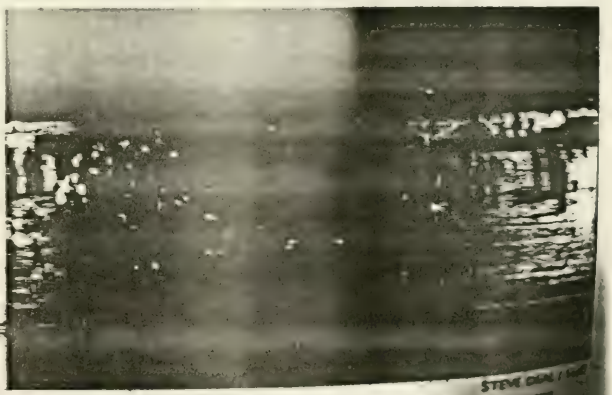
A [illegible] whirled overhead. A woman in her 60s wrote HALEY on a scrap of paper and pinned it to her hat. Many people cried as Joe Cocker's ballad "You Are So Beautiful" blared from four loudspeakers.

Nearly 300 went to the funeral Friday for Haley Hardwick, the 7-month-old baby whose body was found in the woods Tuesday.

They said they were drawn to the funeral in the same inexorable way that they were drawn into the bizarre, weeks-long story of what happened to the baby girl.

"Every time I see my baby, it's like I see her. I see Haley," said one woman at Friday's service.

Staff writer Rob Johnson reports on Page F2.



STEVE DEAN / Staff

Nearly 300 well-wishers attended the funeral in Norcross.





Public bids adieu to Haley

By Rob Johnson
STAFF WRITER

Wherever Haley Hardwick's family went searching for her, hundreds of worried strangers eagerly accompanied them — into the woods, the kudzu, the Yellow River and finally, Friday, to the green lawn of a Norcross cemetery.

"She touched my heart — that's why I'm here."

■

LEIGH FREEMAN

"Just as the tomb of Jesus was a temporary resting place," the Rev. Henry Jones said during the Friday graveside service, "the Mud Flats were a temporary holding ground for Haley."

Though police believe Hardwick carefully hid Haley there July 3, it's easy to find the spot now. The stream of onlookers is steady. Visitors gather in the pine trees and stare silently at the empty grave.

A Veterans of Foreign Wars member left a cap on one of the crosses that strangers have erected at Haley's first burial site.

Thursday, children were racing their remote-controlled dune buggies nearby and motorcycles roared through the trees.

Leigh Freeman, 10, and her mother, Carla, stopped by the Mud Flats on Thursday and decided they should attend the Friday funeral, too. They'd never met the Hardwicks before.

"She touched my heart — that's why I'm here," Leigh said. "I thought I should come."

"We sent them a letter to their home," her mother said.

After the service she introduced herself to Haley's

governor, ran the Democratic Party with one dominate theme: No integration.

Rarely did legislation even get introduced, let alone get passed, unless Mr. Talmadge wanted it that way, and Mr. Griffin, with his engaging personality and knack for story-telling, was the perfect man to host the off-hours entertainment that subtly turned into arm-twisting and agenda setting.

State archives have little information

There is no written transcript of the debate — only a record of the House vote, 107-32 with 66 abstentions, and the Senate secretary's report of a 41-3 hand-showing — but remarks and memory from the time remain.

The state archives have precious little information outside of the roll-call vote, and neither The Atlanta Journal nor The Atlanta Constitution apparently considered the change significant.

The Constitution carried a brief report of the Senate vote on Page 8 and the deciding House vote, while on Page 1, began by telling readers there was no proof that the man who pushed for the change stood to make money on the new flags.

So why was the flag changed?

see FLAG, F5 ▶



inaugural address to maintain school segregation.

January-March: Georgia enacts its Jim Crow school segregation laws, cutting off state and local money if a school integrated; permitting the governor to suspend compulsory school attendance; providing tuition grants for parents to send children to private schools; and extending retirement benefits to instructors at private schools.

March: The Georgia Education Association, meeting in Atlanta, endorses "separate but equal" schools.

May 31: The U.S. Supreme Court ambiguously orders school integration "with all deliberate speed," permitting years of delay.

June 3: Black Atlanta parents petition the Board of Education to make public schools comply with the Brown decision.

a 14-year-old black youth, is found near Money, Miss. He had been kidnapped and lynched.

Nov. 7: The U.S. Supreme Court, ruling in Atlanta and Baltimore cases, bans segregation in public parks, playgrounds, beaches and golf courses.

Nov. 28: The Interstate Commerce Commission bans segregation in buses, waiting rooms and travel coaches in interstate travel. City buses remain segregated.

Dec. 1: Rosa Parks is arrested in Montgomery, Ala., for refusing to give up her seat on a city bus to a white person. A bus boycott led by Martin



without success. They [illegible] Token integration begins in 1961.

1956



Jan. 30: The Montgomery home of Martin Luther King Jr. is bombed.

A bill to add the Confederate battle flag to Georgia's state flag is introduced in the state Senate.

Feb. 1: The Senate votes 41-3 to change the state flag.

Feb. 2: A bill to change the state flag is introduced in the state House of Representatives.

Feb. 6: The so-called Interposition Resolution, which declares the U.S. Supreme Court's desegregation rulings "null, void and of no effect" is introduced in the House.

Why the tragedy of Haley Hardwick feels so

Every little girl deserves a daddy who cares for her

By Joyce Slater

You'd think this country would be shockproof by now, immune to tales of random violence. The surnames of monsters like Manson, Gacey, Bundy, Ramirez and Dahmer are as familiar to most Americans as trademarks like Nike or Pepsi. So why has the death of one baby so shaken jaded folks who took even the Dahmer testimony in semi-stride?

The public mourning for tiny Haley Hardwick has been quite unprecedented. Funeral directors offered to donate their services. A constant stream of strangers, many of them small children, found their way to Haley's rude grave in the mud flats near Lawrenceville. They didn't come to gawk, as you might suspect. They prayed and cried, released balloons with the legend "God bless you, Haley." They left flowers, little notes and a big stuffed Minnie Mouse that was in Haley's casket when she was buried Friday. More came to the open wake Thursday; and so many more came to the open funeral Friday.

The death of any baby is a tragedy; the death of Haley Hardwick may well be a worst case scenario.

In virtually every civilized culture, incest and cannibalism are the ultimate taboos. Yet stories of incest have become a staple of daytime talk shows, particularly during sweeps week. Hot on the heels of Anthony Hopkins' Oscar-winning performance in "The Silence of the Lambs," Chevy Chase felt comfortable enough to do a "Saturday Night Live" sketch about cannibalism. Trying to reinforce his insanity plea during a prison interview, Chase as Dahmer blithely nibbled off his own fingers as he spoke. We didn't laugh at my house, but apparently some people did.

No, I think there is a third taboo, one with the power to stun a cynic speechless. It's infanticide, and the outcry over little Haley's death proves my point. There is something about the deliberate slaying of a baby, something totally out of sync with the scheme of the universe as we understand it. The death of any baby is a tragedy; the death of Haley Hardwick may well be a worst case scenario.

Had the story been cast in Hollywood — which some hotshot producer is probably doing as I write these words — it could

AUG 4



Jane Hansen

Hardwick baby's death only part of big story

You always know in my newsroom when a big story is breaking by the crowd that gathers around the TV. Ours is a football field of a room cluttered with desks and computers and, of course, newspapers, and only the most significant of events draws us to the center.

Like last year when the dropping of bombs signaled the beginning of the Persian Gulf War. Or last October when Clarence Thomas's confirmation to the U.S. Supreme Court sparked a national feminist outrage. Or last Tuesday when they dug up the remains of a 7-month-old baby.

Hardly a matter of international significance. But it was the hottest story in town.

Now in the aftermath of the Haley Hardwick case, questions arise about the media's role in it. This was a case in which we all played a role — police, press and public — like some well-scripted made-for-TV movie in which the good guys won.

Press not the police adjunct

There is a fine line between the media cooperating and the police manipulating. It is the cops' role to nail the suspect, find the body, catch the bad guys. It is the media's role, as arrogant and presumptuous as I sometimes think this sounds, to cover that process, report the facts, act as check and balance.

It is not our place to aid in the investigation, a distinction both sides are generally clear in making. But the line blurs when the victim is a child. Suddenly, we all want the same thing — either to find the baby or know who did it.

In the Haley Hardwick case, the Gwinnett police knew from the beginning that 23-year-old Kenny Hardwick, Haley's father, was their chief suspect. They made a conscious decision to keep the pressure on [illegible] never manipulated the

Granny Hou embrace kids

Volunteer program helps look aft whose moms are seeking drug tr

By Angela Hornsby
STAFF WRITER

Each day for eight hours, Cassandra Jackson and Jacqueline Vaughn keep watch over their own.

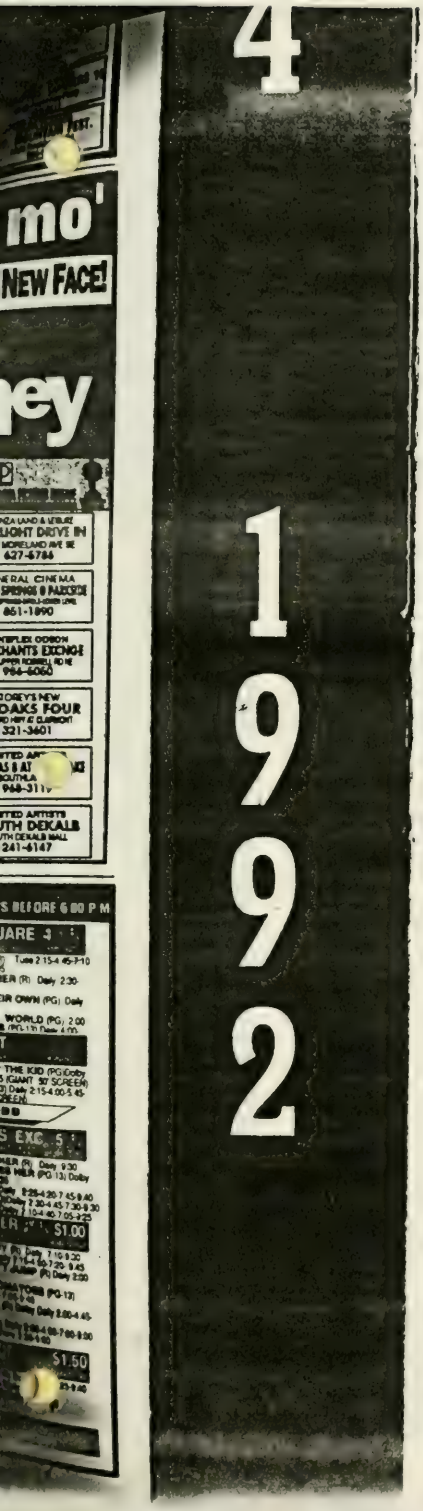
Inside a four-bedroom apartment on Carver Homes' Moury Avenue, Ms. Jackson cuddles twin babies as four more preschoolers run around the cozy and toy-littered living room.

Ms. Vaughn turns from pouring chocolate milk for one child to exchange baby talk with another, whose forefingers are wrapped with masking tape. The tape's in pl year-old's mother, v her own child right prevent thumb-suck

These caretake dren's mothers or e grandmas. They are of Atlanta's Grann housing residents ex to include communi mothers are in programs.

Working a 40-ho "grannies" ensure c through expected





ally clear in making. But the line blurs when the victim is a child. Suddenly, we all want the same thing — either to find the baby or know who did it.

In the Haley Hardwick case, the Gwinnett police knew from the beginning that 23-year-old Kenny Hardwick, Haley's father, was their chief suspect. They made a conscious decision to keep the pressure on through the media. But Chief Wayne Bolden insists they never manipulated the press. "We never consciously sat back and said, 'Let's hold this bit of information until tomorrow.' "

To some extent, he didn't have to. Kenny Hardwick, and the baby's mother, Kathy Hardwick, spent a remarkable amount of time in front of TV cameras. The general public watched a soap opera unfold from their living rooms. Not only did we have a baby snatched by strangers, or so we thought at first, but we also got to watch this couple's marriage dissolve before our very eyes. It didn't take a rocket scientist long to poke holes in Kenny's stories. And, within days, all of us were speculating about the fate of Haley Hardwick.

Police fueled the speculation by airing their own doubts. Their accessibility to the media was well calculated and reflects a change in police philosophy.

Crossing boundary of legitimate news

One FBI official says that when he joined the force, the dilemma of what to say to an inquiring media was simple: "No comment." Today, "The general philosophy is to work with them."

Such cooperation particularly pays off in infant abduction cases, he says, in which alerted citizens often contribute to the investigation.

Media experts call that surveillance function legitimate, as long as the story doesn't bump more important ones to lesser prominence in the flurry to feed the public's appetite for the sensational.

The stories of Kathy Hardwick shopping for her funeral attire or of pink balloons being launched from the baby's makeshift grave toward their heavenly destination crossed the boundary of legitimate news and entered the realm of exploitation. When the funeral home is pouring blue dye into the pond near the baby's gravesite to make better TV pictures, one has to ask what our role is in creating this circus.

Maybe our greatest shortcoming is our failure, too often, to ask the broader questions. Haley Hardwick's death was not unique in a state where last year nearly 30,000 children were abused or neglected. The value of an emotion-packed story such as Haley's is the focus, the face, the human element it can bring to a much bigger problem. But we must go the next step and ask: Why is it that in our country homicide has replaced even car wrecks as the No. 1 cause of injury-related deaths among infants?

"Haley has touched so many people," her mother said last week. And that's the



Vineyard owner John F



Joe Shoemaker (left) and Jim Hickok dump grapes.

Bishop touts '

By Bill Montgomery
STAFF WRITER

As a civil rights lawyer from Columbus in the early 1970s, Sanford Bishop faced a choice: He could keep fighting in court to force state lawmakers to improve conditions for state prisoners, or he could run for office and push for funding from inside.

He ran for the Legislature.

Now Mr. Bishop, elected to the state House in 1976 and to the state Senate two years ago, is trying to make another job change. The 45-year-old ... unseat 2nd District Congress...

AUG

5

LOCAL NEWS

Hardwick is indicted; wife ponders next step

Haley's mother wants to write book

By Kay Torrance
and Mara Rose Williams
STAFF WRITERS

While a Gwinnett grand jury was indicting Kenny Hardwick on murder charges Tuesday, his wife, Kathy, was reading crates of mail from well-wishers and juggling a movie offer with the call to become a child abuse activist.

Mrs. Hardwick's days are occupied by the need to rebuild a life shattered by the death of her 7-month-old daughter and the charge that her 23-year-old husband is the killer.

She has turned down a television movie offer, but wants to write a book. She says she is still mulling urgings from friends that she take on the issue of child abuse because, they say, "you're the one" to speak out. Her daughter, Haley, died of blows to her head, according to the Gwinnett medical examiner.

She only stepped into the limelight, she says, to keep the public searching for Haley after the child disappeared July 3.

Her husband first claimed Haley had been kidnapped, but later told police he had left her in a wooded area. On Tuesday, a grand jury indicted Hardwick, a Lawrenceville landscaper, on one count of malice murder, one count of felony murder and one count of child cruelty. Malice murder refers to killing. Felony murder is killing during the commission of a felony, in this case, the alleged child cruelty.

"We expected at some point that the case would be indicted. The fact that it has come quickly doesn't cause me any concern," said Ronnie Batchelor, Hardwick's attorney. He said there has been no discussion of a guilty plea and he expects the case to go to trial. "We have no choice. My god, they are asking for death."

Gwinnett District Attorney Tom Lawler has said he will seek the death penalty.

Mrs. Hardwick spent the last few days collecting the hundreds of letters and cards that have poured into her mother's Norcross house.

"I plan to write each and every one back," she said.

Toys to go to shelter

She also has three boxes of stuffed animals that have been left at the wooded area called the Mud Flats, where the infant's body was found last week.

They will be donated to a children's shelter.

The reward fund of more than $500 has become "The Haley Memorial Fund" and will be donated to the National Center for Missing and Exploited Children or go toward a child abuse center, Mrs. Hardwick said.

The pilgrimages to the Mud Flats by people touched by Haley's death have spilled into the Peachtree Memorial Park since Friday, when Haley was buried there. As many as 50 people visit Haley's grave daily, traveling from as far as Augusta, Macon and Chattanooga, said Helen Crowell, owner of Crowell Brothers Funeral Home.

"We've been in the business 34 years and never had anything quite like this," said her son, Jeff.

CHASTAIN PARK
ATLANTA SYMPHONY
MANHATTAN TRANSFER

BATHTUBS :: TIL
The Nation's Oldest and Largest Re
Visit Our Showroom Or Call For Fre
UNIQUE REFINISH
Atlanta 94
State Wide 1-800-33
We Also Specialize In Antique Tub & S

THE NEW Rehoboth
DeKalb Chris
1985 LaVist
• Fully Accredited
- Southern Association
- Association of Christi
- Georgia Accrediting
• Grades K-12
• Excellence in Ch
• Enrollment open
Owned and
Rehoboth Baptis
ENROLL NO

DON'T
HAI
FIGH
WITH
From the
you could grow
pany has devel
hair for men

THE ATLANTA CONSTITUTION

For 124 Years the South's Standard Newspaper

JAY SMITH, *Publisher*
DENNIS BERRY, *President*
RON MARTIN, *Editor*
JOHN W. WALTER JR., *Managing Editor*
CYNTHIA TUCKER, *Editorial Page Editor*

JAMES M. COX, *Chairman 1950-57* — JAMES M. COX JR., *Chairman 1957-74*

No case for death penalty

The death of 7-month-old Haley Hardwick saddened and shocked an entire community. If Kenny Hardwick murdered his daughter as charged, he has committed a horrible crime, one that repulses the civilized mind. Yet Gwinnett County District Attorney Tom Lawler's decision to seek the death penalty for Mr. Hardwick is, at best, questionable.

Mr. Lawler is not shy in making the case for his decision.

He points out that Georgia law allows imposition of the death penalty for a murder that is "outrageously or wantonly vile, horrible, or inhuman in that it involved torture, depravity of mind or an aggravated battery to the victim."

Evidence to be presented to a jury will show that the death of Haley Hardwick qualifies as such a murder, Mr. Lawler says.

The prosecutor also bristles at any suggestion that a parent who kills his or her own child should be dealt with less severely. "Murder is murder," he says. "Just because it's domestic doesn't make it less of a crime."

On that Mr. Lawler makes a good point, but there is a larger one at issue. The problem with a case such as this isn't seeking punishment for a person accused of a serious crime; the problem is with the form of punishment. The problem is with the death penalty itself.

Execution is the ultimate punishment. There is no remedy if it is misapplied. For no other punishment should there be greater emphasis on ensuring that it is imposed in an evenhanded manner.

If Kenny Hardwick is convicted and sentenced to death, he will have received a harsher sentence than most people who have committed similar or more horrendous crimes. In Gwinnett County itself, Mr. Lawler's office in recent years has sought the death penalty only once in similar circumstances. The jury opted for a life sentence.

Execution is the ultimate punishment. There is no remedy if it is misapplied.

Of the 117 inmates on Georgia's Death Row, none was sentenced for a child-abuse murder involving their own child or one in their custody.

Twenty-one women are in Georgia prisons for killing one or more of their children. None was sentenced to death.

Indeed, there is no reason to believe that executing parents who abuse and kill their children would deter future abusers, any more than the death penalty prevents other killings that take place in the heat of the moment.

It is not simply the heinous crime he is accused of committing that has put Mr. Hardwick in jeopardy of facing the death penalty. It also involves what happened after the act. The concocted story of Haley's abduction created a news story that grew into a media circus.

The public passion was engaged, and, in the end, turned into a cry for blood — Kenny Hardwick's blood. That is what the system is responding to now.

The shame is that when the public cries for blood, the death penalty is on the books to give it.

Endorsements in runoffs

Tuesday is Election Day for Democrats and Republicans in the Georgia primary runoffs. The Atlanta Constitution endorses the following candidates:

[redacted]

Republican: **Paul Coverdell** is a pragmatic conservative whose experience and grasp of the issues put him above the rest of the field. The longtime [illegible]

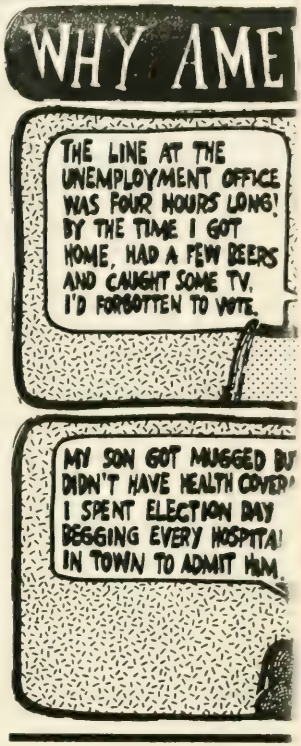
[redacted]

COMMISSION CHAIRMAN

Republican: **Dal Turner**

STATE HOUSE

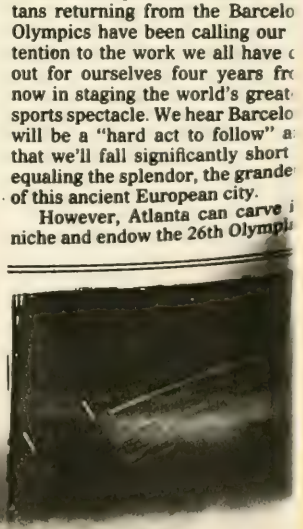
District 55: Democrat, **Dick Lane**
District 58: Democrat, **Helen Selman**



Atlanta has no

Over the past two weeks Atla
tans returning from the Barcelo
Olympics have been calling our
tention to the work we all have
out for ourselves four years fr
now in staging the world's great
sports spectacle. We hear Barcelo
will be a "hard act to follow" a
that we'll fall significantly short
equaling the splendor, the grande
of this ancient European city.

However, Atlanta can carve
niche and endow the 26th Olympi



A1

THE ATLANTA CONSTIT

TUESDAY, DECEMBER 1, 1992

HOME EDITION

KILLING IN COBB COUNTY

Wife of prominent lawyer slain as her 2 sons watch

Police have few clues in 'bizarre case'

By Bill Torpy
STAFF WRITER

Sara Tokars, wife of a prominent lawyer and a volunteer at her children's school, was killed in her car Sunday night by a nearly pointblank shotgun blast to the head after being abducted from the family's Cobb County home.

Her sons Ricky, 6, and Michael, 4, watched from passenger seats.

Those are the gruesome facts of Mrs. Tokars' murder, but Cobb police Monday night knew little else — they had no suspects, no explanations for the slaying.

"It's a very bizarre case: where it happened, the circumstances, the children being there," Chief Detective A.P. Allred said Monday evening. "This one works on everyone's emotions, even hard detectives."

Police responded to two burglar alarms at the house while the family was in Flori-



THE VICTIM

- **Sara Tokars**
- **Age:** 39
- **Background:** Homemaker and volunteer teacher at St. Jude Catholic School. Married to Fredric Tokars, attorney and former Fulton County prosecutor. Two children: Michael, 4; and Ricky, 6

More on Mrs. Tokars, A6



Sunday slaying resulted from a botched burglary.

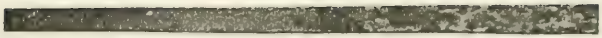
The house was not ransacked and most burglars would be gone before families returned from long holiday weekends, said Chief Allred. The calls were probably false alarms, police said.

Detectives are sifting through numerous leads from neighbors — such as a van seen parked in front of the house and an unfamiliar car in the garage Sunday morning — and have questioned Fredric Tokars and the couple's two sons. The boys are the only eyewitnesses.

Mrs. Tokars, 39, was returning home with her children from Florida when she was confronted by a lone gunman inside her home, police said. Mr. Tokars, a tax attorney, had been in Florida but had gone ahead to Montgomery on a business trip.

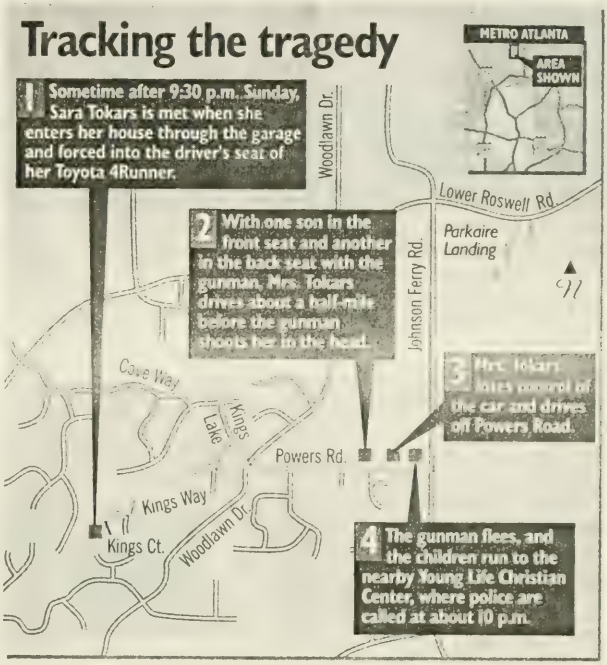
The man ordered Mrs. Tokars and the boys back into her late-model Toyota 4Runner, pointing a gun at her head as he sat in the back seat with one of the boys. The other youngster sat in the front seat.

Please see **SLAYING, A6** ▶

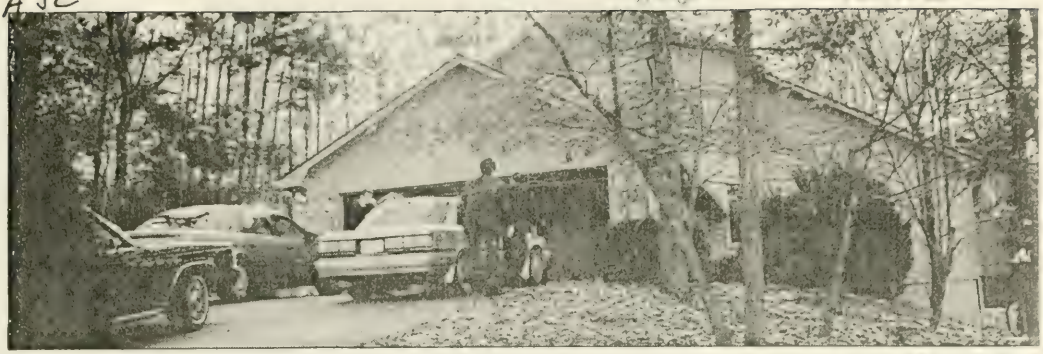


JOE McTYRE / Staff

Fredric Tokars (in red jacket) is consoled Monday in the driveway of his home by state Supreme Court Justice Leah Sears-Collins (left) and other friends.



CHERI HITT / Staff



JOE McTYRE / Staff

The Tokars's home in Cobb County, where Sara Tokars and her two sons were abducted Sunday.

Slaying: Police seek clues in Cobb killing

► Continued from A1

After driving away from her home, the gunman pulled the trigger. The car went through some bushes on Powers Road and about 75 feet into a field. The gunman fled and the children ran to a nearby Christian center to get help.

Police said they did not know why the killer shot Mrs. Tokars and are puzzled as to how the suspect got to the house because there was no other car around when Mrs. Tokars returned. "He had to get there somehow," Capt. Julian Deal said. They would not say how he got into the house.

The suspect was described only as being a slender black man wearing dark jeans, a brown-black coat and green knit cap. "We have two small children; it takes a while to figure out exactly what happened when you're talking to children that age," said Deputy Chief James Arrowood, explaining why the description of the assailant was so vague.

Mr. Tokars is a well-known attorney who had been seeking to expand that prominence — taking high-profile cases, buying television ads and submitting numerous press releases to newspapers.

He represented Pauline Holyfield last year in her divorce from boxer Evander Holyfield. He was also a key defense witness in the federal extortion trial of former Fulton County Sheriff Richard Lankford. Mr. Tokars, a municipal judge in Atlanta, is a former Fulton County assistant district attorney.

He and his wife were politically active, contributing to the campaigns of both state Supreme Court Justice Leah Sears-Collins and newly elected Fulton County Sheriff Jackie Barrett. Justice Sears-Collins went to the Tokars's residence Monday morning and was seen hugging a distraught Mr. Tokars before he was driven away.



Special

Police say 4-year-old Michael Tokars (left) and his 6-year-old brother, Ricky, witnessed their mother's slaying.

Jack Scott, who lives across the street from the Tokars, said Mrs. Tokars insisted on getting the burglar alarm. "She was worried with the children because some of the stuff he worked on," Mr. Scott said.

He said he saw a white van parked in front of the Tokars's home Sunday morning and the garage door was opened with a white car inside. The Tokars don't have a white auto or van. Mr. Scott at first thought it somewhat unusual, but then thought the family had returned.

Another resident, who did not want to be named, saw a white car in front of the Tokars's residence early Sunday but dismissed it as being a paper carrier. Cars parked on the street stand out in that neighborhood because each house has a driveway.

Police said many residents of the King's Cove subdivision have burglar alarms. The community is made up of $200,000-plus homes and twisting, wooded streets. It is one of Atlanta's more affluent, with an average household income of $81,000. Most are married, college-educated, two-income families. About 40 percent have children living at home.

Throughout the east Cobb community, residents reacted to the tragedy, saying, "Those kinds of things just don't happen here."

But homeowners in the sheltered communities nestled close to the Atlanta Country Club are now questioning their safety.

Neighbors said Mrs. Tokars was a friendly, active, church-going woman who volunteered twice a week in her son's preschool class at St. Jude Catholic School in Sandy Springs.

"I think the boys will have a very hard time functioning without her; I know we will," said Kayella Laroway, a pre-school teacher.

As a member of the school's Spiritual Life Committee, Mrs. Tokars recently led a kindergarten drive to collect toys for needy children in time for Christmas. The toys have yet to be distributed, according to Ann Sutlive, head of the committee.

"She had taken some of the toys to get them fixed," Mrs. Sutlive said. "She was always helping."

Staff writers Laura Wisniewski, Don Plummer and Rebecca Nash contributed to this report.

A-6 HJC 12/1/92

'Upbeat' mom volunteered her time at school

By Laura Wisniewski
STAFF WRITER

Sara Tokars quit teaching when she had children, but when her boys started attending St. Jude Catholic School, she began volunteering much of her time.

She was there every day to walk her sons to class. She was devoted to Michael, 4, and Ricky, 6, but friends say she also enjoyed spending time with the other children, who remember her as an upbeat mom who wore "little funky red boots."

Sunday night, the sons whose innocence she was dedicated to protecting were forced to watch as Mrs. Tokars was shot to death.

Monday morning, the children of St. Jude's received counseling on the death of the volunteer teacher's aide who liked to join in when they would play games, roll around on the floor and sing songs.

She worked in Michael's pre-school class twice a week and "fairly often" in Ricky's kindergarten class, said Jean Robinson, director of the Sandy Springs parish's pre-school.

"She'd get down on the floor and play and the kids loved her," Mrs. Robinson said. "She didn't want to be paid; I wanted to put her on salary but she wouldn't do it. She just wanted to play with the kids."

Mrs. Tokars was known for wearing "little funky red boots," Mrs. Robinson said. "The kids knew her as 'the lady with the red boots.' She was always so upbeat."

Many people connected with the school, shaken by the news Monday, described Mrs. Tokars the same way. "She never said a mean thing about anybody," said Ann Sutlive, who heads the Spiritual Life Committee.

Every day, the wife of prominent Cobb County attorney Fred Tokars dropped off her two sons, always walking each of them into their classrooms. Friends at the school say she vowed that she would walk Ricky all the way to the kindergarten class until he told her she didn't have to any more — and he hadn't told her that yet.

Her friends say she volunteered for just about everything and jumped at the chance to lead the Spiritual Life Committee's drive for kindergartners to collect toys for the needy — toys she was to help deliver by Christmas.

St. Jude's principal, Ron Svoboda, said faculty members counseled students all day Monday. "For the younger children in kindergarten, it's mostly TLC and acceptance and how to cope with grieving," Mr. Svoboda said. "For the older children, we're broadening it out to reinforce what we've taught before about strangers."

A-6

Burglars rarely kill, police say

By Jack Warner
STAFF WRITER

Burglars who turn into killers when surprised at their work are uncommon, according to law enforcement experts, and it generally happens in a violent struggle or in a cold-blooded decision to leave no witnesses.

Neither instance appears to apply to the slaying of Sara Tokars in Cobb County.

"It's rare" for a burglar to kill someone when surprised in a home, said Atlanta homicide Lt. Danny Agan. "It's one of the less frequent kinds of homicides we see."

Ralph Stone, special agent in charge of the Georgia Bureau of Investigations's Crime Analysis Unit in Atlanta, said he has worked on "maybe 10 or 12 cases like that" in the past five or six years.

"In most of them, it appears the victim may have surprised them or been surprised. We see also cases when a female victim arrives and surprises someone; they may become the victim of a sexual assault."

Mrs. Tokars's slaying is even more unusual because of the fact that she was taken away from her home before she was killed.

"Generally we expect to find the body there at the home," he said. "There have been cases when they've been taken out, but it's a smaller percentage."

Victims may be killed, he said, when the burglar "fears he's going to be identified. Or it could be that the victim goes for a weapon or attacks the burglar, and the offender kills them," Mr. Stone said.

"We have burglars who commit burglaries at night with the victims in the house; it's a sort of thrill for them, a challenge not to be detected," Mr. Stone said. "We have a lot of burglars who never intend being confronted by any victim, but they carry a firearm. It makes them feel better."

C-1 AJC 12/2/92

Some lawyers fear Cobb slaying was vendetta

Bizarre case: Theories abound in the death of Sara Tokars, wife of a prominent attorney.

By Bill Torpy and Mark Curriden
STAFF WRITERS

As Cobb County police search for clues in the shotgun slaying of Sara Tokars, the wife of a prominent attorney, Atlanta's legal community has been gripped by a fear in the heart of many lawyers — that of a client coming back for revenge.

Mrs. Tokars, 39, wife of tax lawyer Fredric Tokars, was abducted from her east Cobb home Sunday night after returning from Florida and forced to drive off with her sons, ages 4 and 6. The gunman shot her in the back of the head as she drove on Powers Road near her home, and her vehicle veered into a field. The gunman fled and the children ran to a nearby house.

Mr. Tokars was in Montgomery on business at the time.

"Most lawyers believe it is a 'Cape Fear' come to life," said attorney Michael Hauptman, referring to the movie in which an ex-convict terrorizes his former defense attorney and his family.

"Most lawyers working in the area of criminal law have a fear of a defendant in a case coming back to haunt them," said Mr. Hauptman, who knows two lawyers who bought guns Tuesday and two others who installed home security systems. "Fred may have done a divorce sometime and the husband killed Fred's wife thinking, 'You took my wife away from me, now I'm taking your wife away from you.' "

Everyone seems to have a theory as to the bizarre circumstances surrounding her death.

"Is there a vendetta against [Mr. Tokars]?" asked Deputy Chief James Arrowood. "Is there a motivation to harm her? Is it a burglary that went awry?

Please see **TOKARS, C6** ▶

▶ Security alarm companies swamped by calls **C6**

C-6

AJC

12/2/92

okers: Many 'strange things' about Cobb slaying

Continued from C1

ere's a lot of strange things; u can't focus on one thing."

But a tched bur- ary attempt pears to be ding as a sce- rio. There are signs of rced entry to the home, lice said. The truder was ere late on nday night, when people ould be expected to return me from holiday trips. Noth- g was ransacked. And a shot- n usually is not a burglar's ol.



Fredric Tokars

Detectives now say a white n seen in front of the To- rses' house Sunday morning longed to a repairman who me to a water heater. Mr. kars returned from Florida rlier Sunday to let the repair- en in, police said. However, a hite car seen in the garage has t been accounted for.

Police have only briefly lked to the sons. "You can't ish them too much; there's too uch psychological trauma," iid Deputy Chief Arrowood.

Authorities say Mr. Tokars as given police a "cursory in- rview" about the basic details - where he was and at what me. However, at the request of Ir. Tokars's attorney, Howard 'einstraub, investigators are aiting to conduct a thorough uestioning until after Mrs. To- ars's funeral, which will be eld Thursday at 10 a.m. at St. ude Catholic Church.

Mr. Tokars "is not a suspect t this time," said A.B. Allred, chief of the Cobb detective bureau.

Mr. Tokars is a former Fulton County assistant district attorney and well-known lawyer who was a key defense witness in the federal extortion trial of former Fulton County Sheriff Richard Lankford.

"He did tax, divorce, criminal cases; he was always into something new, always expanding," said Eric Silver, a lawyer with whom he once shared office space. "He was real high-powered, real high energy. A real go-getter. I could see how he rubbed some people the wrong way, certainly with the stress of his job and all he was doing."

Joseph Drolet, a former assistant district attorney, said that Mr. Tokars, also an accountant, wanted to get back to his tax expertise and formed T Professionals this year.

"In private practice you u set people. Even your own c ents can get dissatisfied," sa Mr. Drolet. "They might thi you didn't do right by the There might be a long list of pe ple with the inclination or t motives when you do as mu varied work as Fred."

Firms that sell security alarms swamped with calls

By Anne Rochell
STAFF WRITER

Atlanta's top security companies have been deluged with inquiring phone calls since a Cobb County woman was abducted from her home and killed Sunday.

"There's no question there's been an increase in calls in the last two days and many are in that vicinity," said Jim Pless, sales manager for Alert Centre.

"It's human nature," said Stafford Mahfouz, business sales manager for Honeywell Protection Services. He said his firm had twice the typical number of calls on Monday and Tuesday. "People don't take measures until it strikes home."

It works the other way, too. According to Cobb police, some security companies are trying to turn tragedy into opportunity. Several residents of the Tokarses' neighborhood have complained to police about alarm salesmen showing up at their doors uninvited.

"The residents just didn't appreciate it, in light of this situation," said Chief Detective A.B. Allred. "I guess these people felt like they were being taken advantage of."

Despite all the hysteria, a security system did not help Sara Tokars, a 39-year-old mother of two, because the system in her home was not turned on at the time of her abduction and death.

According to Rollins Protective Services, the Tokarses did not activate their wireless, monitored burglar alarm when they went to Florida for the holiday weekend.

Cobb County police and fire services responded to two alarms at the house over the weekend, but they were fire alarms, said Judy Donner for Rollins.

"The fire alarm system works even if the burglar alarm is turned off," she explained.

One fire alarm was activated Saturday night when a water heater burst, said Detective Allred. The monitoring center received a second call at 1:30 a.m. Sunday, but when police responded, it was a false alarm

With the burglar alarm off, a lone gunman was able to enter the Tokars residence in the King's Cove subdivision in east Cobb.

When Mrs. Tokars entered the house from the carport at about 10 p.m. Sunday, she was greeted by the man and ordered back into her Toyota 4Runner with her two sons ages 4 and 6.

After she drove away, he shot her in the head. The gunman fled and the children ran to get help.

The security companies who saw an increase in business say they are not surprised

"With something this dramatic, when [crime] goes into a nice suburb, that throws a tremor into the whole community," said Peter Hronek, vice president of marketing for Brink's Home Security Inc.

A-1 AC 12/3/92

Contract killing, kidnapping top theories in Cobb slaying

By Mark Curriden and William J. Torpy
STAFF WRITERS

A contract killing or a botched kidnapping are the two leading theories that law enforcement officials are leaning toward in the slaying of a prominent Atlanta lawyer's wife.

All but ruling out initial suspicions that a burglar had killed 39-year-old Sara Tokars, Cobb County police and prosecutors speculated Wednesday that either revenge or ransom were likely motives for the killing.

But because they have so little physical evidence and no suspects or motive, both Cobb County officials and other criminal justice experts said there is a good chance the slaying could go unsolved.

While Cobb police say they can't rule out any possibilities in the death of the Mrs. Tokars, wife of tax attorney Fredric Tokars, authorities said they're checking into tips that the couple had "domestic problems."

However, Cobb Chief Detective A.B. Allred said Mr. Tokars is not a suspect.

"We are looking at all angles, but a contract killing or a kidnapping gone awry certainly fits within the evidence we have," said Cobb District Attorney Tom Charron. "On the other hand, we could have a really dumb burglar or a drug-crazed person, but that is less likely."



Sara Tokars
Police have little physical evidence, no suspect and no motive in her slaying.

Mrs. Tokars was killed Sunday night by a single shotgun blast after she and her two sons were abducted from their east Cobb home after returning from a holiday visit to Florida. According to the children, ages 4 and 6, Mrs. Tokars was driving her Toyota 4Runner when the gun, which was inches from the back of her head, fired. The gunman fled and the children ran to a nearby house for help.

"No one in law enforcement doubts it was a botched hit," said DeKalb County District Attorney J. Tom Morgan. "No one believes this was a burglary."

Mr. Charron admitted that the physical evidence authorities have gathered is very limited but that crime lab officials

Please see **TOKARS, A15** ▶

AJC

Tokars: Officials say evidence fits botched kidnapping

► Continued from A1

are combing both the car and Mrs. Tokars's clothes for forensic evidence, such as hairs or fibers.

"The family is in seclusion right now," Bob Ligon, a business associate of Mr. Tokars, told reporters Wednesday at a news conference in front of the Tokarses' house. He said Mr. Tokars is emotionally stricken and has not speculated on why his wife was abducted and killed or who was responsible.

Investigators say they obtained a limited statement from both Mr. Tokars and the children shortly after the killing but plan on conducting more extensive interviews after the funeral, which is scheduled for 10 a.m. today.

"This is the kind of case that may never be solved, an investigator's nightmare," said Z.G. Standing Bear, who is director of the criminal justice program at Valdosta State College and teaches criminal investigations.

The gunman made Mrs. Tokars drive the car while he sat in the back, and he immediately fled without harming the children, the only eye witnesses, after the gun fired. That indicates there is "a very real possibility" that it was a kidnapping attempt for vendetta or monetary gain, Dr. Standing Bear said.

"Any high-profile person like Fred Tokars is considered wealthy and would be a perfect candidate for a kidnapping for ransom," said Clayton District Attorney Bob Keller.

Mr. Tokars, a former Fulton County prosecutor and an Atlanta municipal judge, has handed many high-profile cases, including representing Paula Holyfield in her divorce from boxer Evander Holyfield. Mr. Tokars also promotes his tax law practice with television commercials.

Cobb County Medical Examiner Joe Burton said Wednesday the likelihood of a botched kidnapping for ransom or revenge is "a good possibility" and would fit within the physical evidence obtained thus far.

A Fredric Tokars rented apartme

Renter used name of victim's spouse in early November

By Dennis McCafferty and Bill Torpy
STAFF WRITERS

A man who identified himself as Fredric W. Tokars rented an apartment in Buckhead about a month ago and registered to vote at the address.

Vereen Caskey, the manager of the Buckhead Plaza Apartments at 3315 Roswell Road, said Saturday the man rented apartment A-11 sometime shortly after Nov. 1 — but that she only saw him once and isn't sure he's the same Fredric W. Tokars whose wife was abducted last week and shot to death in front of her two young sons.

Ms. Caskey showed a reporter a voter registration card mailed to Fredric W. Tokars. The card had been mailed to him at the apartment complex, but it went to the main office because no apartment number was listed on the envelope.

Ms. Caskey said she has not yet divulged the information to Cobb County police, who are investigating last Sunday's slaying of Sara Tokars, 39. Cobb police officials did not return reporters' phone calls Saturday. Chief Detective A.B. Allred stated several times last week that Mr. Tokars is not considered a suspect.

Hasn't contacted police

Marty Storch, co-owner of Buckhead Plaza, said he only recently became aware that he had a tenant named Fredric W. Tokars and he had not had time to decide whether to take the information to police. He said he could not confirm that his tenant is the slain woman's husband.

Attempts to reach Mr. Tokars Saturday were unsuccessful. Brenda Fontaine, a public relations person who has represented Mr. Tokars and dealt with press inquiries the past week, said [illegible]

heart of Buckhead. One-bedroom apartments rent for $325 a month, and the complex has many short-term residents, Ms. Caskey said.

Police had hoped to question Mr. Tokars Friday, the day after his wife's funeral, but he declined to come in that day, saying in a prepared statement that he's "devastated by the loss" and needs time to grieve.

"I have cooperated as best I can and will continue to do so," Mr. Tokars said in the statement. "I met with police for two hours on Monday and gave a preliminary statement. I will meet with police as soon as possible."

Mrs. Tokars and her two young sons were abducted by a gunman in their east Cobb home after they returned from a holiday vacation in Florida. They were forced back into her vehicle and Mrs. Tokars, who was driving, was shot in the head from behind with a shotgun about a half-mile from her home. The boys ran to safety at a nearby house.



affair, but his marriage was back together after counseling.



Tokars: Troubled marriage improved

Says he'll help find wife's killer

By Mark Curriden and Bill Torpy
STAFF WRITERS

Fredric Tokars had an affair and serious marital problems, but his marriage was back together and now he is committed to "do whatever it takes" to help police track down his wife's killer, he said Sunday.

Mr. Tokars, a prominent tax lawyer whose wife, Sara, was abducted from the couple's east Cobb County home and shot to death Nov. 29, told The Atlanta Journal-Constitution he has "absolutely no idea" who killed his wife, or why.

Mr. Tokars called a Journal-Constitution reporter and broke his silence after reading a story in Sunday's newspaper which said that a Fredric Tokars rented an apartment about a month ago in Buckhead.

Mr. Tokars, who is a part-time Atlanta municipal judge, said in a telephone interview he had rented the apartment because he wanted to establish the one-year residency needed to qualify to become a Fulton County magistrate judge.

"It's no love nest," he said, adding that his wife helped him pick out the apartment. "There's no furniture or telephone there."

Mr. Tokars said his past marital problems could lead

A10 12/7/92

Tokars: Lawyer says he'll help police track killer

▶ Continued from A1

and maybe that indicates to them that I had something to do with it. But I didn't."

Mr. Tokars talked to Cobb investigators Sunday for three hours. Police made no comment on the case Sunday but have said that Mr. Tokars is not a suspect.

Mr. Tokars said he knew his wife had hired a private investigator to follow him when he was having an affair. "But that was three or four years ago," he said. "We went to counseling and it was all worked out. We've lived happily since then."

On Friday, Guy E. Davis Jr., a lawyer, said Mrs. Tokars had hired a private investigator and, "Her specific instructions were, 'If anything happens to me, turn this over to police.' " The private investigator's file was turned over to police last week.

"I have never hit Sara, my children or anyone in my life," Mr. Tokars said when asked why his wife may have been fearful.

Mr. Tokars said he now fears for his own safety and the safety of his two sons — Michael, 4, and Ricky, 6 — who were with their mother when she was slain. He said he and his sons now are living in an undisclosed location with 24-hour security that he has hired.

Mr. Tokars said he has wracked his brain to think of reasons why someone would want to kidnap and kill his wife. "I've been thinking over and over and over and over why and who would have done this," he said. "It's the hardest thing in the world to understand. I just don't know."

Mrs. Tokars, 39, and her sons were abducted by a gunman in their home after returning from a holiday vacation to Florida. They were forced back into her vehicle, and Mrs. Tokars was shot at point-blank range with a shotgun blast while driving about a half-mile from the home. The boys ran to safety at a nearby house. The gunman fled.

Mr. Tokars said his sons, who were interviewed by police Saturday, are still deeply shaken and he is trying to help them.

"We went to a movie the other night and Michael looked at me and said, 'Dad, mom would have liked this,' " Mr. Tokars recalled, starting to sob. "I think he knows she's gone but he really doesn't understand it yet."

Mr. Tokars talked to the Journal-Constitution Sunday before his interview with police. He declined to talk again after he met with police.

"I have been asked by police and my attorney to not talk publicly until after the case has been solved," he said.

Kidnapping for ransom or revenge or a contract killing are leading theories being investigated, law enforcement officials said. But police say they are stumped as to the motive.

Mr. Tokars, a former Fulton County prosecutor, has handled several high-profile cases and has advertised on television. He recently opened a firm .

"If this thing destroys my law practice, then so be it," he said. "I've told police, 'Everything I have is open to you, every file.'

"I'm willing to do whatever it takes to catch this guy."

AJC

METRO & GEORGIA IN BRIEF

Victim's family to set up reward fund

COBB COUNTY: The family of Sara Ambrusko Tokars plans to establish a reward to help find the man responsible for abducting and killing the Cobb County woman in front of her two sons on Nov. 29.

Four of Mrs. Tokars's sisters went to the Cobb police station Monday afternoon to ask police about new developments in the puzzling case. "We're here because we just can't keep away," said Therese Ambrusko. "The more we talk to the police, the more complex the facts get to be," said Krissy Ambrusko. The sisters said the family hopes to set up a reward fund soon.

Chief Detective A.B Allred said Monday that a white car seen by neighbors in the Tokarses' garage on the day of the slaying belonged to Fredric Tokars, the victim's husband, who had returned from a holiday trip to Florida to get a broken water heater repaired. Police talked to him for about three hours Sunday. Police said Mrs. Tokars was killed that night after returning home. The gunman, who was inside the home, forced the woman and sons — ages 4 and 6 — back into her vehicle and killed her with a shotgun blast to the head.

Police have said the burglar alarm at the home was turned off and a sliding door was left open. "We haven't eliminated any suspects," said Chief Allred.

Murder mysteries with a twist

Something in the water? Even before the killing of Sara Tokars, Cobb County had a long history of sensational slayings.

By Mark Curriden and Bill Torpy
STAFF WRITERS

The slaying of Sara Tokars, shocking in its savagery and baffling beyond belief, does fit one troubling pattern: It happened in Cobb County, scene of some of the most sensational murders in Georgia history.

From the lynching of Leo Frank in 1913 to the shotgun killing of Mrs. Tokars last week, Cobb's homicide files are filled with lurid murders that seem made for TV: A body stuffed in a tool box, a mysterious shootout in a swank hillside cottage, a love-triangle murder involving the Ku Klux Klan.

"Maybe it's something in the water," said longtime District Attorney Tom Charron. "I hope we're not not in some kind of Bermuda Triangle. It certainly has made my career interesting."



'We're hoping this is a big lead'

Cobb County police released this drawing Tuesday of a man who was seen driving in Sara Tokars's subdivision less than an hour before the woman was kidnapped and slain. District Attorney Tom Charron said the sketch fits the general description of what Mrs. Tokars's children told police about the assailant.

Article, Page D6

In the case of Mrs. Tokars, the wife of prominent tax attorney Fredric Tokars who was slain in front of her two young children, police have no motive, little physical evidence, no suspects and many suspicions. There is speculation the case will never be solved and ample reflection on the strange and heinous murders that have kept Cobb in the news in recent years.

"We seemed to be blessed with whodunits a cases," said Cobb Pu Director Robert "This one is a teaser."

Mr. Charron, a for more than a de weird murder cases. was launched by th his predecessor, B den, to bring to justi ers of Warren and K thews, both patholo were murdered in a their home in 1971. Leo Frank murder, to be Cobb's mo

Please see CO

Police release drawing of suspect

Man was seen in neighborhood prior to slaying

By Bill Torpy
and Mark Curriden
STAFF WRITERS

Cobb County police released a drawing Tuesday of a man who was seen driving in Sara Tokars's subdivision less than an hour before the woman was kidnapped from her home and slain.

"We're hoping this is a big lead," said Cobb District Attorney Tom Charron. "It fits the general description of what the children told us about the assailant."

The man, who was a passenger in a subcompact car, is described as being a light-complexioned black man in his 30s with beard stubble and wearing a "toboggan" hat, the same type of hat described by Mrs. Tokars's two sons, ages 4 and 6. The boys were in the family vehicle with their mother when she was killed about a half-mile from their home.

Chief Detective A.B. Allred said police have not shown the drawing to the children.

Mr. Charron said the car — described as a Toyota or Datsun — would explain how the assailant was able to escape and no murder weapon was found. Police had no detailed description of the driver.

Fredric Tokars, a prominent tax attorney, offered a $25,000 reward Tuesday in the slaying of his 39-year-old wife. "I have cooperated with the police and will continue to do so," said Mr. Tokars, in a statement read by his attorney and friend Jerry Froelich.

He will also ask for a leave of absence until mid-January in all the courts in which he practices. "The physical, mental, and emotional pain of Sara's death has made it impossible for me to practice law at this time," he said. "I need to spend time with our children, my family and Sara's family."

Mr. Tokars told The Atlanta Journal-Constitution on Sunday that he had an affair about three years ago, but that his marriage was patched up. He later talked to police for three hours. Mr. Tokars, who said he and his children are under 24-hour private security, vowed to do "whatever it takes" to find his wife's killer. He said he told police "everything I have is open to you, every file."

But Mr. Charron said police have not seen the files yet.

Last week, police said Mr. Tokars was not a suspect. This week, Chief Allred said "we haven't eliminated any suspects."

Asked about the apparent change, Mr. Charron said, "There are a number of reasons we said he wasn't. Number one: The grieving family was in town and together, and at that time, we definitely didn't have any suspects.

"We cannot eliminate anybody," Mr. Charron said. "We cannot say he is or is not a suspect."

Mr. Charron added that the ongoing media coverage of the crime "is a great help in keeping the case alive. We'd be worried if the calls were drying up."

Cobb: Scene of notorious murders

► Continued from D1

crime.

Experts and law enforcement officials say Cobb, with the state's highest per capita income and largest percentage of college-educated residents, has a different breed of crime.

Cobb's high-profile murder cases

► Jimmie Sue Finger Gambrel, a Kennesaw hairdresser, was convicted in 1989 of having her teenage lover murder her husband. ABC-TV broadcast a movie, "Stay the Night," on the crime earlier this year.

► Neva Jane Veitch and Ku Klux Klan Grand Dragon David Lee Craig were convicted in 1990 of murdering her husband, Billy Joe Veitch, in a KKK lover's triangle. They fooled investigators for two years by blaming the crime on a black man. Several movie companies have bought the rights of individuals in the case.

► David Cross was arrested in 1987 for shaking his 4-month-old daughter, Sala, so violently that it caused massive brain damage and would have caused her death except that Cross used his parental rights in court to keep his daughter on life-support systems for more than a year, which under state law prevented the police from charging him with murder.

► Katrine Bursheim, a 75-year-old Cobb woman, was charged with killing her fifth husband, 58-year-old John Bursheim. But in 1991, a jury rejected murder charges and found her guilty of involuntary manslaughter after she

Cobb: Scene of notorious murders

▶ Continued from D1

crime.

Experts and law enforcement officials say Cobb, with the state's highest per capita income and largest percentage of college-educated residents, has a different breed of crime.

"When it comes to spectacular domestic murders, nobody matches Cobb," said Gwinnett District Attorney Danny Porter. "The people who live in Cobb are the kind who are going to make more enemies. They lead corporate takeovers, they are lawyers and conduct high-level business deals. These are people who make other people mad."

Cobb's murders almost always seem to have unanswered questions or some intriguing twist, said Dr. Joe Burton, who serves as medical examiner for Cobb, Clayton, DeKalb, Douglas, Gwinnett and Rockdale counties.

"We see a more sophisticated type of crime in Cobb, not just the blood and guts stuff," said Dr. Burton. "Murders committed in Cobb have much more forethought and planning."

"It's crime in the suites versus crime in the streets," said Dr. Z.G. Standing Bear, the director of the Criminal Justice Department at Valdosta State College. "Not only are people who commit crimes in these higher-income, better-educated communities more devious, they also have the means to carry out their illicit schemes. Wealthy people are more willing to take a risk."

Take the murder of Kimberly Wallace. Her husband, Jack, a Powder Springs chiropractor, paid his divorce lawyer and two other men to kill his wife on her birthday in December 1990, stuff her body in a tool box, load it into a small airplane and dump it into the Okefenokee Swamp. But police intercepted the plane when it was being refueled in Waycross, discovered the body and eventually unraveled the plot.

The trial was broadcast gavel-to-gavel nationwide on Court TV and featured on "A Current

Cobb's high-profile murder cases

▶ Jimmie Sue Finger Gambrel, a Kennesaw hairdresser, was convicted in 1989 of having her teenage lover murder her husband. ABC-TV broadcast a movie, "Stay the Night," on the crime earlier this year.

▶ Neva Jane Veitch and Ku Klux Klan Grand Dragon David Lee Craig were convicted in 1990 of murdering her husband, Billy Joe Veitch, in a KKK lover's triangle. They fooled investigators for two years by blaming the crime on a black man. Several movie companies have bought the rights of individuals in the case.

▶ David Cross was arrested in 1987 for shaking his 4-month-old daughter, Sala, so violently that it caused massive brain damage and would have caused her death except that Cross used his parental rights in court to keep his daughter on life-support systems for more than a year, which under state law prevented the police from charging him with murder.

▶ Katrine Bursheim, a 75-year-old Cobb woman, was charged with killing her fifth husband, 58-year-old John Bursheim. But in 1991, a jury rejected murder charges and found her guilty of involuntary manslaughter after she testified he had abused her and stole money she inherited from previous husbands.

▶ Raymond Miller was convicted in 1990 of murdering his 26-year-old daughter after she refused to move back home with him and continue their incestuous relationship. The case was profiled several times on the tabloid television program "Inside Report."

▶ James Caldwell was convicted in 1991 of raping and strangling his daughter and stabbing his son. His son survived and awoke from a coma weeks later to identify his father. The case was the first time DNA evidence was used in Georgia.

▶ Jack Wallace was convicted this year of conspiring with his divorce lawyer and two other men to kill his wife on her birthday just before Christmas 1990, stuffing her body into a tool box, loading it into a small airplane and attempting to dump the body into the Okefenokee Swamp.

▶ Warren and Rosina Matthews, two prominent Cobb pathologists, were shot and killed at their home by unknown gunman in 1971. Four men were convicted, one sentenced to die. However, evidence later showed that the men had been framed. No one has ever been convicted.

▶ Jack Howard Potts is on death row for the 1975 kidnapping and murder of Roswell auto mechanic Michael Priest. Potts made national news in 1980 when he asked to be executed, but then changed his mind hours before he was scheduled to die in the electric chair. He later became the only person to escape from death row, but was soon captured.

brawl where there's a fight and someone gets killed, in the golden ghetto there's more planning because there's a whole lot more at stake. Because of the education and affluence, you may have people who think they can pull off a better crime."

Sometimes a case appears to be a well-planned domestic murder when it later turns out to be a random, brutal act. Gloria Wilbur disappeared from the parking lot of a south Cobb supermarket Oct. 7, 1990; her car was found near Cincinnati the next day and her decomposed body was discovered alongside Interstate 75 in Kentucky.

"When that happened, everyone and her brother thought it was the husband," said Mr. Hightower. In fact, two men from a Cincinnati suburb had abducted her because they needed a car to drive back to Ohio. They later were convicted of her murder.

Mr. Hightower also down-

occurred in an affluent black neighborhood, it would. It's the influence, not the color."

Mr. Tokars, a former Fulton County prosecutor, frequently sought attention, sending press releases to the media, advertising on television and taking on publicized cases, such as representing Paulette Holyfield in her divorce from boxer Evander Holyfield.

Sara Tokars lived in a quiet, well-to-do subdivision in east Cobb — the sort of place where frightening crime creates a big stir.

"When a crime this horrible occurs in a small, quiet residential neighborhood, a place where something this tragic is not supposed to happen, it gets everyone's attention — especially the news media," said Mr. Charron. "The average person loves a good murder mystery, especially when it's right down the street."

The media knows that. The more intriguing the crime, t

"We're hoping this is a big

The trial was broadcast gavel-to-gavel nationwide on Court TV and featured on "A Current Affair."

"It's the difference between the ghetto and the golden ghetto," said Mr. Hightower. "Instead of a good, honest domestic

kars in a statement read by [illegible] change. Mr. Charron [illegible] later were convicted of her murder.

Mr. Hightower also downplayed the race of the victim as being a key to the notoriety of a crime. "If this happened in Bankhead Courts, it wouldn't get the attention," he said. "But if it when it's right down the street."

The media knows that. The more intriguing the crime, the better the ratings, he said.

ABC made a miniseries of Jimmie Sue Finger Gambrel, a Kennesaw hairdresser who persuaded her teenage lover to murder her husband, and played it during a ratings sweep week earlier this year.

And Hollywood producers are now busy trying to bring to the small screen the Ku Klux Klan lovers' triangle murder, in which Neva Jane Veitch conspired with her lover, KKK Grand Dragon David Lee Craig, to kill her husband. They sent police down the wrong path for two years by telling them the crime was committed by black men.

"But there's a benefit to these high-profile cases. The more notoriety they get, the better the chance some evidence will shake lose," said Mr. Charron. "We hope that happens in the Tokars case.

Who lives in Cobb?

	Cobb	Georgia
Per capita income	$19,166*	$13,631
Household income	$41,297	$29,021
College graduates	33%*	19%
Poverty rate	5.6%	14.7%

* Ranks No. 1 in the state

1991 homicide rate *

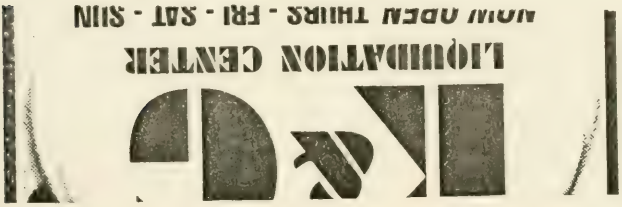
Cobb County	6.9	Metro Atlanta	16

1991 violent crime rate *

Cobb County	404	Metro Atlanta	1,149

* per 100,000 residents

NOTE: Violent crimes are murders, rapes, robberies and aggravated assaults.
Source: Metropolitan Atlanta Crime Commission



ness programs and in-house incarceration.

Still, some suggested that adults have had too much of a hand in matters involving youth. Young people should be given more active roles in shaping their futures, said P. David

B-1 AJC 12/14/92

Slaying victim Sara Tokars is remembered by her sisters

Like 'Aunt Bee . . . and Farrah Fawcett'

After the killing: Her family thought she was happy, but now they wonder what Sarah Tokars didn't say.

By Bill Torpy
STAFF WRITER

Even now, Sara Tokars's sisters recall their collective reaction when the media started revealing facts they'd never known about their brother-in-law: shock and fear.

Fred Tokars had a business interest in an Atlanta nightclub, and a partner was slain in July.

Mr. Tokars had an affair a few years ago, and Sara had hired a private investigator and told him to go to the police if anything happened to her.



SPECIAL

Sara Tokars, shown in this snapshot with one of her sons, was a loving mother, her sisters say.

Mr. Tokars had rented a Buckhead apartment a month before Sara was killed.

This was not the Fred Tokars they knew.

"He was the provider and the lawyer, Sara was the mom and volunteer," said Joni Ambrusko-Crain. "We've always admired Fred because he was so ambitious and worked so hard."

"It's very surprising, and very scary," said Krissy Ambrusko, 27, the youngest of seven sisters, as she sat with two of them, Joni and Therese Ambrusko, Saturday in the living room of her stylish Woodstock home.

Krissy paused to wipe a tear. Joni shuddered.

It's been two weeks since a gunman abducted Mrs. Tokars and her two young sons from their east Cobb County residence and killed her with a single shotgun blast to the back of the head.

Please see **SISTERS, B2** ►



NICK ARROYO / S

"We've always admired Fred," said Joni Ambrusko-Crain (right) of her slain sister's husband. With her are her sisters Therese Ambrusko (left) and Krissy Ambrusko.

B-2 AJC

sters: Sara was a mix of 'Aunt Bee, the American flag and Farr

ontinued from B1

boys escaped unharmed.

'he case took an odd turn last ‹ when it was learned that ıs Cline, a former business ciate of Mr. Tokars, had ı shot to death in July. Inves- ·ors are now looking into Mr. ars's involvement with a tclub and several other busi- .es.

'he sisters have kept a vigil ıe Cobb police station, show- ıp almost daily to ask investi- rs about any breaks in the ·ling case.

'rime and violence, they say, foreign to them, so far re- ed from the happy, some- t sheltered life they knew ving up as daughters of a sur- ı in Amherst, a suburb of 'alo, N.Y. They were seven d sisters — Sara was in the dle — and they were best ıds.

The Sara they remember was :nergetic and generous fam- person, not the frightened ıan who hired a private in- igator while she was having ital problems a few years

More recently, she asked her band for a burglar alarm in r house, her sister said.

'She was worried about some ıe people [Mr. Tokars] dealt ı, mostly because he was a :nse attorney,'" said Joni, adding that Sara never told her about Mr. Tokars's other business dealings.

The alarm system had been turned off over the Thanksgiving weekend while the family was away, said a spokesman from the Tokars's burglar alarm company.

'Should have asked her more'

Sara was a cross between "Aunt Bee, the American flag and Farrah Fawcett," Joni said.

She was captain of the high school cheerleading squad, developed a career and most recently had been a devoted preschool volunteer at St. Jude's Catholic Church in Sandy Springs.

Krissy moved to Atlanta in the mid-1980s and shared an apartment with Sara for two years, before Sara married.

Krissy said she's been ill with chronic fatigue syndrome for the past two years, and Sara had been her guardian angel. "She made Thanksgiving dinner for me and brought it over before she left" on a family vacation in Florida, Krissy said.

Joni said Sara often packed her boys in her Toyota 4Runner and made long drives to visit family members.

Sara drove to Bradenton, Fla., to visit her family for Thanksgiving. Mr. Tokars flew down to join them, then returned to Atlanta on Saturday, Nov. 28. Sara drove home the following day, and was abducted when she arrived Sunday night. Mr. Tokars was in Alabama on business when the slaying occurred.

Joni was with Sara in Bradenton and said she was her typical cheerful self.

"We should have asked her more," Joni said. "She would always put on a smiling face; she'd never let on even [if] anything was bothering her."

The sisters would not talk about their sister's marriage, except for Krissy, who said "it had ups and downs, like all marriages." Mr. Tokars recently told The Atlanta Journal-Constitution that he had an affair three years ago, but that he and his wife had patched things up.

Asked if Sara had said anything about wanting a divorce, Krissy stiffened. "That's something we can't talk about now. Police said that may be a part of their investigation," she said.

"We don't want to damage the investigation or our relationship with Fred," Joni said, adding that the sisters have talked frequently with Mr. Tokars since Sara's slaying.

Police initially said Mr. Tokars was not a suspect in the slaying. Now, as Cobb District Attorney Tom C[illegible]on put it, "We cannot say he is or is not."



NICK ARROYO / Staff

Joni Ambrusko-Crain said Sara Tokars "worried about some of the people [Mr. Tokars] dealt with."

Mr. Tokars said last week he'd do "whatever it takes" to help find his wife's killer. He has offered a $25,000 reward.

Married Fred Tokars in 1985

In the mid-1980s, Sara was recently divorced and running a small marketing agency when she fell in love with Fred Tokars.

She had worked for elan, a trendy Midtown restaurant, in the early and mid-1980s. According to Jim Killeen, the nightspot's former owner, Sara was a go-getter with a knack for promotions that drew crowds. "Sara would joke, 'Here I am, making my money from a bar and I don't even drink,'" Mr. Killeen recalled.

He described Mrs. Tokars as "an innocent victim, one way or another."

Fred and Sara first met in high school in Amherst, but were not close friends, her sisters say. Years later, in Atlanta, she saw Fred's name in the newspaper — he was a Fulton County prosecutor — and called him because she was looking for legal advice for a friend.

They started dating and got married about a year later, in 1985. Sara continued to work until she willingly gave up her career when their first child, Ricky, was born in 1986.

"I remember saying to her, 'We all try to be like mom, but you've succeeded,'" Krissy recalled tearfully. "She was so selfless."

That trait emerged in the instant before Sara was killed, when she pushed Ricky to the floor of her vehicle as her killer prepared to fire the fatal shotgun blast, her sisters said. The gunman fled and Ricky grabbed his younger brother, Mike, 4, and ran for help.

"But before he did that, and with Sara lying there, he turned off the key because he said he'd been taught that you never leave a car running," Joni said. "He

E-1 AJC 12/15/92

Executive client of Tokars pleaded guilty to drug charge

By Bill Torpy
and Bill Montgomery
STAFF WRITERS

A man connected to tax attorney Fredric Tokars through a "tangled web" of nightclub corporations, pleaded guilty earlier this year to attempting to distribute 30 pounds of cocaine.

Willie Harris, a vice president of Atlanta Entertainment Management Inc., a corporation that owned several Atlanta-area nightclubs, was arrested by federal agents in June, 1991, for accepting the shipment of cocaine at an Atlanta area motel, federal court documents state.

Mr. Tokars, who did legal work for that corporation, was Harris's defense attorney. Harris pleaded guilty June 5, 1992, and was sentenced to 11 years.

A month after Harris's guilty plea, Julius Cline, a business associate of Mr. Tokars and Harris, was shot to death in Detroit. That case remains unsolved.

Cobb County Chief Detective A.B. Allred had not heard of Harris, but said investigators are looking into the "tangled web" of Mr. Tokars' business dealings to see if there was any connection to the Nov. 29 shotgun slaying of his wife, Sara.

"We're looking at his business dealings, as well as him being an attorney and judge," said Chief Allred. "There are so many different directions."

At the time of his arrest, Harris was the manager of Deion's Club 21, a Cobb County nightspot owned by Atlanta Entertainment Management that paid professional athlete Deion Sanders for the use of his name. It is now a strip club called Club 21.

In signed affidavits, both Mr. Cline and James Mason, president of Atlanta Entertainment, vouched for Harris and said "he will most certainly be eligible to keep his job and work at Atlanta Entertainment Management."

Mr. Tokars applied for the business' incorporation.

It was revealed last week that Mr. Tokars had a business interest in

Please see **CLIENT, E8** ▶

E-8 AJC 12/15/92

Client: Police probe husband's business dealings for link to Tokars case

▶ Continued from **E1**

the Parrot Nightclub in Atlanta along with Mr. Mason and Mr. Cline, who was also known as Lucius Marvin Cleveland.

Detroit homicide Detective Dale Collins, who is handling the Cline murder investigation, said he has not talked to Cobb investigators.

Johnnie Cleveland, Mr. Cline's mother, said her son was visiting her last July when he was killed outside her home. She said her son had earned a business degree at Henry Ford Community College and had lived in Atlanta for about six years. She said she knew little about Mr. Cline's friends and did not know why he changed his name.

"I don't know nothing," she said, when asked about the murder.

Mr. Cline was also the chief operating officer of a business called Atlanta Entertainment.

Police said they will look into Mr. Tokars's other business dealings, including Executive Entertainment, incorporated Sept. 2, of which he was chief operating officer and A-1 Enterprises, of which he was secretary and financial officer. That company was dissolved this year.

Mr. Tokars was the applicant in at least four of Mr. Mason's businesses, including The Peachtree Entertainment Group Inc.; Atlanta Entertainment Management Inc.; Diamonds and Pearls Inc., a nightclub on Chesire Bridge Road; and Parrot Acquisition Corp.

Mr. Mason could not be reached for comment. Jerry Froelich, Mr. Tokars's attorney, could not be reached for comment.

Mr. Tokars wanted to get away from criminal law and this year formed Tax Professionals, a tax advice firm.

His wife, Sara, 39, and her two young sons were abducted from their east Cobb home after returning from a Thanksgiving visit to Florida. Their abductor was waiting inside the home. She was killed by a single shotgun blast to the head as she drove about a half mile from her home. The two boys escaped unharmed.

Mr. Tokars had returned home earlier that weekend and was in Alabama on business when the slaying occurred.

Sara Tokars consulted lawyer at least twice abo

By Bill Montgomery and Bill Torpy
STAFF WRITERS

Sara Tokars consulted a lawyer at least twice about divorcing her husband Fredric, most recently a little more than a year before her abduction and murder Nov. 29 in front of her young sons, according to a Buckhead attorney.

Divorce lawyer Steven J. Labovitz confirmed Tuesday that Mrs. Tokars, the wife of a prominent tax attorney, "did see me about divorce and child custody, initially in 1989, and again on at least one other occasion, I think toward the fall of last year."

Mr. Labovitz would not disclose why Mrs. Tokars approached him about a divorce suit, citing attorney-client confidentiality. No lawsuit was ever filed, and the lawyer refused to say whether the wife attempted a reconciliation. "I can say it's not up to the attorney whether to file a divorce action," he said.

"I've been practicing domestic relations law for 15 years, and in that time you find that people's lives can be very involved, so you hear all kinds of things," the lawyer added. He would not elaborate.

He said he has been interviewed by Cobb County police, "and I've given what information I know, but other than that, I really can't say any more."

Asked if Mrs. Tokars had been in contact with him by telephone or letter this year, Mr. Labovitz said tersely, "No comment."

Neither Mr. Tokars, who is reportedly out of town, nor his attorney, Jerry Froelich, could be reached for comment. But in a telephone call to The Atlanta Journal-Constitution earlier this month, Mr. Tokars said his wife had hired a private investigator to follow him "three or four years ago" while he was having an affair.

He added their marriage had recovered and that he was committed to "do whatever it takes" to find his wife's killer. Mr. Tokars has put up a $25,000 reward for apprehension of the slender abductor waiting inside their east Cobb home who surprised Mrs. Tokars as she and her boys returned from a Thanksgiv visit to Florida.

Forced back into her car, was killed with a shotgun bl the head about a half-mile the home; the sons escape harmed. Mr. Tokars had home earlier that weekend was in Alabama on busines ing the slaying.

Cobb police are probing Tokars's business connec with Atlanta area nightclub

Man twice sued by Tokars is arrested

Records say he was indebted to victim's husband

By Bill Torpy and Bill Montgomery
STAFF WRITERS

A man who Fredric Tokars says owes him more than $70,000 and who has been questioned in the slaying of Mr. Tokars's wife, Sara, is being held in Atlanta Pretrial Detention Center on bad check charges.

Eddie Lawrence, who was sued twice by Mr. Tokars in September, was taken into custody early Thursday on charges of bouncing an $850 check. A Municipal Court judge set a $2,000 bond and ordered Mr. Lawrence held for Whitfield County, where he faces a similar charge. He was transferred to the Atlanta facility from Fulton County Correction Center, where he was being held for six bad check charges.

Mr. Lawrence, who operates Lawrence Industries in the same office complex where Mr. Tokars operates Executive Entertainment, was questioned by Cobb County police Saturday in the Nov. 29 shotgun slaying of Mrs. Tokars.

Cobb District Attorney Tom Charron said police want to question Mr. Lawrence again but would not say why.

"We'd like to keep tabs on him for a while," said Mr. Charron. "He's not a prime suspect. But we'd like to know more about him."

From Feb. 13 to Sept. 8, Mr. Tokars lent Mr. Lawrence $65,000 in several installments, according to the first of two lawsuits filed by Mr. Tokars against Mr. Lawrence in Fulton County. The last loan, $1,000, came just one day before Mr. Tokars filed suit on Sept. 9.

On Sept. 14, with the first lawsuit still pending, Mr. Tokars lent Mr. Lawrence another $5,366 and then sued him the next day, court records show. Mr. Lawrence made no statement in court Thursday and does not have a lawyer.

Mr. Charron said that investigators are looking into Mr. Tokars's business dealings, including his connections with nightclub owners, one who was slain this year and another who was sentenced to federal prison on cocaine charges.

"This case is unbelievable," said Mr. Charron. "We're getting all sorts of calls. The biggest job is to filter through all the information."

B-6 AJC 12/23/

Ex-suspect in wife's killing can empathize with Tokars

By Bill Torpy
STAFF WRITER

Shortly after Sara Tokars was abducted and slain, Robert Wilbur thought about calling her husband, Fredric Tokars, to sympathize. Mr. Wilbur's wife, Gloria, had been kidnapped and murdered two years ago.

Mr. Wilbur didn't make the call because he didn't know Mr. Tokars and didn't want to intrude on the man's grief. But as the investigation into Mrs. Tokars's death unfolds and it comes out that police have not eliminated Mr. Tokars as a suspect, Mr. Wilbur feels a sickening sense of déjà vu.

He, too, was a suspect in his wife's slaying.

"The police accused me of it, but I was innocent," said Mr. Wilbur, who, like Mr. Tokars, is a lawyer and lives in Cobb County. "They sat right here in my office and wanted to know what I did with the body. I went through pure hell with them pointing the finger at me."

On Oct. 7, 1990, Mrs. Wilbur, 59, was abducted by two men outside Kroger on South Cobb Drive. She was handcuffed, kidnapped, raped and murdered. Her body was dumped in Kentucky. The two men, one of whom has pleaded guilty, wanted to steal her car to drive home to Forest Park, a Cincinnati suburb.

Her car was found the next day near Cincinnati and her body a week later. She wasn't identified immediately. Until police started focusing on the two assailants, "everyone and her brother thought it was the husband," said Cobb Public Safety Director Robert Hightower.

Spouses and lovers are often prime suspects in murders, said Cobb Chief Detective A.B. Allred. "It's not uncommon to use a polygraph on a boyfriend or husband," he said.

Like Mr. Tokars, Mr. Wilbur put up a $25,000 reward for his wife's killer. And like Mr. Tokars, he knew what it was like to have the public talking.

"I knew people were talking about me but couldn't do anything about it," he said. "All you can do is deny the innuendo. And here I was at home, sick in bed. I didn't know anything. But I had no alibi."

The litany of details coming out about Mr. Tokars's private life — business dealings, an affair, a sizable insurance policy on his wife — doesn't convince Mr. Wilbur that Mr. Tokars had anything to do with his wife's death.

"Everybody has a few skeletons here or there," he said.

"If he had nothing to do with it, it's a helluva burden to be under," said Mr. Wilbur, with a pause. "Whether he's guilty or not, well, only he knows."

B-1 AJC 12/23/92

Tokars attorney says Cobb police 'ruining the man'

'Lack of memory' statement angers victim's husband

By Bill Torpy
STAFF WRITER

The attorney representing Fredric Tokars angrily lambasted Cobb County police Tuesday for saying that Mr. Tokars was not cooperating fully in the investigation of his wife's slaying.

"What they are doing is unethical, improper and untrue," said Jerry Froelich. "My client is innocent and he is being hung in the press. They're in the process of ruining the man."

The police are not looking at other possibilities because they have targeted Mr. Tokars as the suspect, he said.

On Monday, Cobb Deputy Police Chief J.D. Arrowood said Mr. Tokars "has a lack of memory on a lot of things," adding "solving his wife's murder should be the most important thing." Cobb police said they twice have tried to get Mr. Tokars to take a lie detector test.

When word of the comments reached Mr. Tokars he was "absolutely furious," Mr. Froelich said. Mr. Tokars is in Florida with family members.

Mr. Froelich said Mr. Tokars took an independent polygraph test Saturday and passed. "He was asked if he was involved in his wife's death and he was clean," said Mr. Froelich. He said results will be turned over to Cobb police, but would not say whether Mr. Tokars would allow police to administer a polygraph.

Police still not convinced

Cobb Chief Detective A.B. Allred still contended Tuesday "we don't feel we've gotten 100 percent cooperation" from Mr. Tokars. He said police still want Mr. Tokars to take their polygraph.

"For three weeks, we've bent over backward to accommodate him," said Chief Allred, who added police have no single motive or suspect. "But we haven't eliminated him as a suspect."

Sara Tokars, 39, was abducted from her Cobb residence Nov. 29 and was killed by a shotgun blast to the back of the head as she drove about half a mile from her home. Her two sons, who were with her when she was killed, escaped unharmed.

Mr. Froelich said Mr. Tokars told police he had large life insurance policies on his wife and that his client has gone into great detail about some strange business relationships. Police said Mrs. Tokars's life was insured for $1.5 million to $2 million.

Business dealings addressed

Mr. Froelich said Mr. Tokars "went into excruciating detail to investigators" about making $70,000 in loans to Eddie Lawrence, some even after he had sued the man. Mr. Lawrence is being held in the Atlanta jail on bad check charges and has been questioned in the slaying.

He also said Mr. Tokars, a tax lawyer, has answered questions about his business dealings with nightclub owners, one who was slain this year and another who pleaded guilty of trying to distribute cocaine.

"In criminal defense work, you deal with a lot of people with problems," said Mr. Froelich, who said he, not Mr. Tokars, invoked the attorney-client privilege in not telling investigators about Mr. Tokars's law clients.

"I'm a former federal prosecutor," said Mr. Froelich. "If this is how they conduct their investigations, then surely they'll screw it up."

In Cobb, murder leads to Tokars D6

The Atlanta Journal
THE ATLANTA CONSTITUTION
THURSDAY, DECEMBER 24, 1992
SPORTS FINAL

A-1

wo arrested in Tokars slaying

fficials say wife killed after uncovering illegal activities

ill Torpy
Mark Curriden
WRITERS

ara Tokars was killed because she found documents in her husband's safe that ined money was being laund through businesses owned redric Tokars and his associates, state and federal investigators said Wednesday.

Two men, including one of his business associates, were arrested Wednesday by Cobb police and charged with one count of murder, three counts of kidnapping and one charge of armed robbery.

Law enforcement officials confirmed Wednesday the FBI is investigating allegations of money laundering in businesses and people associated with Mr Tokars.

Authorities said they believe the prominent tax lawyer knows the men who killed his wife and their motive, but they don't know whether he knew that his 39-year-old wife was going to be killed before it happened.

"At this point, he certainly is a suspect. We've made that very clear to him," Cobb County District Attorney Tom Charron said.

Eddie Charles Lawrence, who had borrowed $70,000 from

Please see TOKARS, A7 ▶





Eddie Charles Lawrence was one of two arrested in Sara Tokars's killing.

kars: Police say more arrests expected

inued from A1

kars, a Curtis Alphonso 22, of College Park were d Wednesday by Cobb

Lawrence, 28, of Atlanta sociated with Mr. Tokars n a small business mall in where they both operat- sinesses. Mr. Lawrence rrested last week on s of writing bad checks s been held since then in anta city jail.

e arrests are expected, for a few days, Cobb au- They refus o they believe pulled the but did not allow pictures aken of Mr. Rower, pre- ly so the two Tokars chil- ho witnessed the slaying, dentify the gunman in a

Tokars repeatedly has had no idea why his wife led or who was behind the . Mr. Tokars's attorney, Froelich said Wednesday Mr. T rs had no idea r. Rower is and again con- his client had nothing to the killing.

. Tokars was in the home wife's family in Bradenton, when the Cobb detectives to tell the family of the ar- Ir. Tokars will not speak to ess. Asked what Mr. To- reaction to the news was, Tokars's father, John Am- , said, "Nothing, nothing "

. Attorney Joe Whitley legations that federal laws been violated have been l on the back burner until Cobb police have complet- eir investigation into the g

lice have investigated sev- f Mr. Tokars's business ac- s, including his ties to a



RICH MAHAN / Staff

Cobb Chief Detective A.B. Allred, with Deputy Police Chief J.D. Arrowood (left), announces the arrest of two men Wednesday in the kidnapping and slaying of Sara Tokars.

through chapter and verse in his every dealing with Eddie."

Mr. Charron, the district attorney, said officials are holding back on many of the details because of the overwhelming publicity the case has garnered.

"As it is, we are going to be trying this case in Timbuktu," said Mr. Charron, suggesting the case will have to be tried outside the Atlanta area.

Asked if Mr. Lawrence or Mr. Rower were cooperating with authorities, Mr. Charron responded, "I simply cannot discuss anything these people are saying."

Both men will be arraigned in Cobb County Superior Court by the weekend.

Mrs. Tokars and her two young sons were abducted from associates. Mrs. Tokars had hired the investigator, Ralph Perdomo, after the couple began experiencing marital difficulties.

Mr. Perdomo said Wednesday that Mrs. Tokars opened her husband's private safe and copied documents that "would be damaging to his business partners." He refused to say who those associates were or what crimes were implied.

"She got the combination, opened the safe and showed me the contents," although the safe was off-limits, Mr. Perdomo said. He would not say when this happened.

"She made two sets of copies, and both sets have been turned over to Cobb County," he said.



Fredric Tokars
Cobb lawyer was in Florida on Wednesday when two arrests were made in wife Sara's slaying.

tion may expose illegal activities.

Mr. Froelich said police have possession of many of his client's personal documents, but he said the authorities have not divulged what they have.

"To my knowledge my client has not been involved in any wrongdoing," Mr. Froelich said.

He pointed to "an independent polygraph" test performed Saturday on Mr. Tokars, which he said confirmed that his client played no role in arranging his wife's death.

Richard Rackleff, who conducted the polygraph, said, "I am convinced he was not involved. He calls the killer an animal and he has fear."

Before Mr. Lawrence was arrested Wednesday, Mr. Rackleff said he did not believe the suspect was connected to the slaying. "Mr. Tokars said he doesn't expect Eddie Lawrence was involved. If it was Eddie Lawrence, the kids would have known him. Eddie Lawrence has been to his house several times," Mr. Rackleff said.

Before his wife's death, most people knew Mr. Tokars as a prominent lawyer and part-time Atlanta municipal judge with friends who are influential in the legal community, including Georgia Supreme Court Justice Leah Sears-Collins.

Emily [illegible] who broke

ed their investigation into the slaying.

Police have investigated several of Mr. Tokars's business activities, including his ties to a number of nightclubs. One of his partners in the clubs, Julius Cline, was shot to death in July. And the manager of another, Willie Lewis Harris, pleaded guilty in June to federal charges of trying to distribute 30 pounds of cocaine.

While authorities refuse to speculate on who else might be involved, they agree that someone implicated in the money-laundering scheme either killed Mrs. Tokars or hired someone to do it.

"My client is relieved and can now go on with his life," Mr. Froelich said. "He is emotionally drained. He hopes they have a strong case."

Asked about Mr. Tokars's association with Mr. Lawrence, Mr. Froelich said, "He went

Both men will be arraigned in Cobb County Superior Court by the weekend.

Mrs. Tokars and her two young sons were abducted from their east Cobb home on Nov. 29 after returning home from a Thanksgiving trip to Florida. The kidnapper was waiting inside their home and forced them back into their vehicle.

Mrs. Tokars was killed by a single shotgun blast to the head as she drove her Toyota 4Runner about a half-mile from her home. The gunman fled, and the boys escaped unharmed. They described the gunman as a slender black man.

Chief Detective A.B. Allred, who announced the arrests, gave no further information except to say, "The investigation will continue."

A private investigator who saw the papers Mrs. Tokars had taken from the safe said they implicated her husband's business

[illegible] said. He would not say what it [illegible] happened.

"She made two sets of copies, and both sets have been turned over to Cobb County," he said.

In an earlier interview with The Atlanta Journal-Constitution, Mr. Tokars said he had an affair "three or four years ago," but the couple had patched up their marriage.

Mr. Perdomo said, "I know there was a lot of difficulty at home, and his statement that everything was OK now, well, that's an absolute lie."

Mrs. Tokars had instructed Mr. Perdomo to take the results of his investigation to police if anything happened. "I have a feeling she was collecting information for a long time, it could go years back," Mr. Perdomo said.

"She was no dope," he said. "She was afraid something would happen to her."

Three law enforcement officials confirmed that the informa-

[illegible] legal community, including Georgia Supreme Court Justice Leah Sears-Collins.

Emily Sherwinter, who broke up her law partnership with Mr. Tokars last year, but who continued their TV advertisements until two months ago, said that Mr. Tokars "had some shady people come to his office, but criminal lawyers often deal with very strange people."

Asked if she dissolved her partnership because of his business dealings, Mrs. Sherwinter said, "No comment."

"It's strange to believe that a man I respected and admired, a Kennedy-esque figure with a beautiful family and a brilliant future had a secret life," she said. "It's scary to think what his wife's last moments were like.

"I want to believe Fred had nothing to do with it."

E-1 AJC 12/25/92

'So many twists' in Tokars slaying

Probe goes on: Police say neither suspect charged so far has provided substantial information about the case.

By Bill Torpy and Mark Curriden
STAFF WRITERS

Police will need the cooperation of the two men charged Wednesday with murder in the slaying of Sara Tokars if other suspects are to be arrested soon, officials said Thursday.

Law enforcement officials, who are convinced that others participated in the murder plot, say neither man has given any substantial information regarding the Nov. 29 slaying. But neither have any deals been offered in return for the suspects' cooperation.

The two men in custody, Curtis Alphonso Rower, 22, of College Park and Eddie Charles Lawrence, 28, of Atlanta, a former business associate of Fredric Tokars, Mrs. Tokars's husband, made brief appearances before Cobb Magistrate Judge James Bodiford Thursday, but made no statements and were ordered held without bond.

While Cobb police are concentrating on the events surrounding the slaying, federal authorities say they are sifting through thousands of records detailing the businesses operated by Mr. Tokars and his associates, including Mr. Lawrence. Mr. Lawrence has been in an Atlanta jail for the last week on charges that he passed bad checks.

Mrs. Tokars, 39, was killed because she found documents in her husband's safe that indicated drug money was being laundered through businesses owned by Mr. Tokars and his associates, state and federal investigators said Wednesday. Mrs. Tokars had hired a private investigator and spoken to a divorce lawyer at least three times in recent years. The FBI is investigating the alleged money laundering, authorities said.

"This case is so bizarre, so many twists, so many weird things, you just would not believe it," one law enforcement official said. "It's not just checking under every rock, it's using a micro-

Please see **TOKARS, E5** ▶

okars: Jailed men's cooperation sought

ontinued from E1

e to study every detail of evinancial transaction."

r. Tokars, staying with his s family in Bradenton, Fla., hospitalized Thursday after ting poison. Earlier, attorerry Froelich said his client available for questioning.

My client denies any knowlof money laundering or any ledge of who murdered " said Mr. Froelich.

Ir. Froelich angrily said that police are "looking for a ulfilling prophecy" of targ Mr. Tokars as a suspect hen trying to tailor evidence their scenario. "They're ng a theory in the media so one can come in and tell what they want to hear."

olice are not saying much what happened Nov. 29, Mr. Tokars and her two so... were abducted as returned home from a ksgiving vacation. Mrs. To- was killed by a shotgun to the head about a half- from their home. The boys ed unharmed.

olice have not said whether bring the boys — ages 6 — back to Cobb for a lineup ether they'll perform a phoeup.

uring his court appearance, Bodiford ordered that no s be taken of Rower, who in arrest record in East that includes charges of by taking, carrying a con- l weapon, giving a false to police, and theft by re- g a motor vehicle.

hey need to hide Rower be- he is the guy they are going a lineup on," said defense ey Bruce Harvey, who rep- s Mr. Lawrence.

die Lawrence is profiled c... of the 1992 Metroa ...k Pages, a listing of nent and up-and-coming ess persons in the city. The graph shows him standing nt of a shelf of law books. Mr. Lawrence is not a law- Ir. Tokars is a prominent or...

Mr. Lawrence brought that photograph in to us," said Ken Reid, director of Black Pages. "He also wrote the paragraph about himself and his business that was printed."

That paragraph states, "When Eddie Lawrence started his business seven years ago, he did so without a budget."

It continued, "Lawrence Industries is a conglomeration of many things. A combination real estate and construction company, they do everything from owning, selling, buying, repairing, remodeling and building property. Eddie Lawrence picked this combination because he feels everybody needs land and everything on this planet needs real estate. Lawrence is a self-made man at 27."

Most people who live on Connell Road in south Fulton County, where Rower was arrested Wednesday morning, say they never met the man.

But Charles Woodard, who lives two doors down, said he knows Rower and does not believe he is involved in the slaying. "He's cool," Mr. Woodard said. "It's shocking to think Curtis is in on that junk."

Mr. Woodard, 22, said he believes it unlikely that Rower, who apparently did not own a car, would be involved in a murder in Cobb County. "It's just another brother got to go through that junk, and everybody already believes he did it," he said.

Mr. Woodard and other Connell Road residents said Rower, who goes by the nickname "Yankee" and has a gang insignia on his left arm, had lived in the area with an uncle and two cousins for less than a year.

Mr. Woodard said he had never seen Eddie Lawrence or Fred Tokars and had never heard Rower mention either man.

Mrs. Tokars's father, John Ambrusko, said he has been "tre... [illegible]" ... [illegible] ... been prompting Mr. Tokars to become more active with police in their investigation.

"Every day there was bad press on Fred and I told him, 'You have to defend yourself. Otherwise, it looks like you're trying to detour the investigation.'"

Dr. Ambrusko said he didn't know about his daughter's mari... [illegible] ... was shocked by Mrs. Tokars said that Mrs. T... kars told him to turn over h... findings if anything happened ... her.

"That was like somebod... came back from the grave to sa... something's wrong," he said.

He said he wants "to mak... sure the investigation continue... whoever they're looking at."

Staff writers Rick Minter a... Kathy Scruggs ... article.

AJC C1 12/28/92

LOCAL NEWS

'A good year'
Governor pleased with performance
Page C2

3 killed in Cobb
Police say man shot family, self
Page C3

INDEX

Weather
In this section C6
News briefs C2
Obituaries C4

Tokars given OK to leave hospital

Doctors no longer see him as threat to himself

By Gail Hagans
STAFF WRITER

Sarasota, Fla. — Doctors no longer consider Fredric Tokars a threat to himself, so the Cobb County lawyer was given clearance Sunday to leave a hospital here and try to put his life back together.

But Mr. Tokars remained under observation and supervision at Sarasota Memorial Hospital as of Sunday evening, hospital officials said.

He has been at the facility since an apparent suicide attempt Thursday evening, when he was found semiconscious in a hotel room after he apparently swallowed pills, propped a chair against the door and bolted it before passing out.

Tranquilizers were found in the room, said Dr. John Ambrusko, Mr. Tokars's father-in-law, who entered the room with police.

Mr. Tokars, who is a suspect in the Nov. 29 shotgun slaying of his wife, Sara Tokars — but who hasn't been charged — was ordered held at the Sarasota hospital under Florida's Baker Act. The law "provides for the care of mentally ill people who are at risk to themselves or other people," a Coastal Recovery crisis center employee said Sunday.

Coastal Recovery is the main public treatment center for Baker Act patients in this west Florida town south of St. Petersburg.



Fredric Tokars
Has been hospitalized since an apparent suicide attempt Christmas Eve.

"If patients are suicidal or something, then, as a community, we can't let them come to harm," the Coastal Recovery employee said.

The Baker Act calls for a minimum 72-hour observation period, which ended Sunday for Mr. Tokars when doctors said they no longer considered his case to be a medical emergency.

"He'd had too much to drink, and he's been taking pain pills," Mr. Tokars's attorney, Jerry Froelich, said Sunday from Fort Lauderdale, Fla., where he is vacationing. "It was a combination of the pills, the holidays and then having subsequent allegations of his involvement being raised again.

"It's the holiday season, and he missed his wife," Mr. Froelich said. "He thought this thing was over, then the police started releasing other things that he might be involved in, which he absolutely denies."

Mr. Tokars has denied killing his wife and has offered a $25,000 reward in the case.

Please see **TOKARS, C3** ▸

Tok:rs: Observation period in Florida hospital ends

► Continued from C1

Mr. Tokars's two sons, Ricky, 6, and Mike, 4, who witnessed their mother's slaying, remain at the home of their mother's parents in Bradenton, north of Sarasota.

The boys also spent Christmas with six aunts, five uncles and several cousins. Dr. Ambrusko, the retired Manatee County public health director, said the boys' future is uncertain.

Relatives have been taking care of them, but Cobb County police expect them to help identify the triggerman who killed their mother.

Dr. Ambrusko said Sunday the family has not yet been told by Cobb police to bring the boys to Atlanta for a lineup or for any other reason.

"I'm not sure [the boys] even understand what's going on," an aunt, Therese Ambrusko of San Francisco, said Sunday.

Mr. Tokars, who was visited at the hospital by his mother Saturday, asked to see his sons that day, but the Ambruskos had other plans.

None of the Ambruskos visited Mr. Tokars on Sunday, which marked the culmination of a Christmas weekend that none of them will ever forget.

"I can see Sara sitting right smack in the middle of all the children and the toys. She never watched the kids unwrap their presents — she was always right there in the middle of it all."

■

THERESE AMBRUSKO
sister of Sara Tokars

Holidays bring back memories

If Sara Tokars could have been home for Christmas, her six sisters know exactly what she'd be doing.

"I can see Sara sitting right smack in the middle of all the children and the toys," Therese Ambrusko said.

"She never watched the kids unwrap their presents — she was always right there in the middle of it all, helping them figure out how [to] put them together."

Putting things together is what Sara Tokars did best.

"She was always the organizer," Therese Ambrusko said. "Right before Thanksgiving, she baked turkey, dressing, wild rice and sweet potatoes for Krissy. And she still got the boys ready for the nine-hour drive down here."

Sister Krissy Ambrusko, who lives in Woodstock, Ga., suffers from chronic fatigue syndrome and tires easily.

"We stayed on the phone a lot," Therese Ambrusko said, remembering conversations with her sisters from coast to coast. The Ambrusko daughters live all over the country — Buffalo, Los Angeles, San Francisco, Jacksonville, New Jersey and metro Atlanta.

"There was nothing more important to her than her family," Therese Ambrusko said. "For Sara, it was important for us to be together. She never complained. She was upbeat all the time."

Fingering an old family photo on the Wurlitzer organ in the basement, Dr. Ambrusko pointed out each of the seven sisters and paused when he got to the then long-haired Sara.

"They've always been close," he said. "And Sara, she was a cheerleader."

The Ambruskos remember her smile best.

"She was just so . . . enthusiastic, always happy and real warm," Therese Ambrusko said. "She took the time to notice people, especially if they were unhappy.

"I remember when she planned Dad's 70th birthday party. Her youngest son came a month early, just two weeks before the party.

"She was in a real quandary, but she got down there anyway. If she made up her mind to do something, she'd find a way to do it. We always said she was invincible."

At least that's how she seemed, until the night of Nov. 29.

Staff writer David Corvette contributed to this article.

AJC

Tokars checks out of hospital; police keep suicide note

Lawyer returns home to Atlanta

By Gail Hagans
STAFF WRITER

Sarasota, Fla. — Fredric Tokars checked himself out of Sarasota Memorial Hospital on Tuesday afternoon, retrieved belongings that were seized during his Christmas Eve suicide attempt and returned to Atlanta.

Police said Mr. Tokars picked up his personal effects from the local police station about 3:15 p.m., but they kept the suicide note that he wrote Thursday before taking prescription medicine and drinking beer in an apparent attempt to kill himself. Police kept the note as evidence for Cobb County police.

Mr. Tokars's sons remained with their mother's family in Bradenton Tuesday afternoon, and relatives there said the boys were away on a family outing. Mr. Tokars has custody of the two children, the only witnesses to their mother's Nov. 29 slaying.

Mr. Tokars did not tell the family that he was leaving the hospital. He flew into Hartsfield International Airport Tuesday night, along with his attorney, Jerry Froelich, but avoided reporters and made no comment.

Waited for media to leave

Earlier, the 39-year-old lawyer, who is a suspect in his wife's killing, waited until television crews and reporters left their posts outside the hospital before leaving the building.

Mr. Tokars was admitted to Sarasota Memorial on Thursday after police discovered him in a hotel room in a "catatonic" state. Empty prescription drug vials and beer bottles were found in the room where he was staying.

Mr. Froelich said Tuesday night that his client had been "very depressed" because of continued allegations linking him to the slaying. He refused to discuss the note found in the hotel room.

Earlier in the day, the Ambruskos, Sara Tokars's family, refused to comment on the case.

The Cobb County homemaker was killed after she and her two sons, 6 and 4 years old, were abducted as they returned home from a Thanksgiving trip to her family's Bradenton home.

Two men have been charged with murder in the case, Curtis Alphonso Rower and Eddie Charles Lawrence. Law enforcement officials have said that Rower gave a statement to police saying he killed Mrs. Tokars at the direction of Mr. Lawrence.

A-1

1/1/93

Affidavit: Tokars friend lined up killer, drove car

Cobb police got warrant to search office for records

By Sandy McIntosh and Bill Torpy
STAFF WRITER

© Copyright [illegible] The Atlanta Journal and The Atlanta Constitution

After a business associate turned down $5,000 to kill Sara Tokars, Eddie Lawrence turned to Curtis Rower and then drove the getaway car while the killing was being committed, according to an affidavit filed by Cobb County police.

The affidavit, filed in Fulton County to get a search warrant, states that Mr. Rower confessed to the killing and that the police would be searching for business records of Mr. Lawrence and Fredric Tokars.

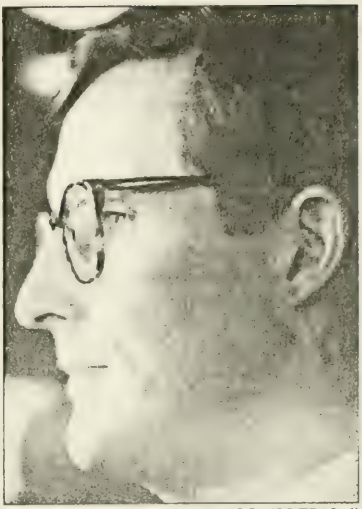
The affidavit was filed on the same day an emotional Mr. Tokars said he had nothing to do with the shotgun killing of his wife.

"I emphatically deny any involvement in Sara's murder, and even the suggestion that I may have been involved hurts me deeply," Mr. Tokars said in a news conference Thursday. "I never could have believed that I would have to stand here and defend myself against the innuendo and unsubstantiated allegations that have been in the media in the last month."

But police still consider Mr. Tokars a suspect. Mr. Lawrence, 29, a business associate and friend

Please see **TOKARS, A8** ▶

INSIDE



LOUIE FAVORITE / Staff

'I'm begging you just to please leave us alone'

▶ **Fredric Tokars**, the husband of Sara Tokars, calls a news conference and asks the media to stop hounding him and his two sons.

Details / Page A8

Tokars: Affidavit says associate sought out killer

▶ Continued from A1

of Mr. Tokars, and Rower, 22, were charged last week with the Nov. 29 kidnapping, robbery and murder of Mrs. Tokars.

Mrs. Tokars and her two young sons were abducted by a gunman waiting in her home when she returned from a Thanksgiving trip to Florida. They were forced to drive away in the family vehicle, and Mrs. Tokars was killed by a single shotgun blast to the head after about half a mile. The boys, ages 4 and 6, escaped unharmed and today will view Rower and possibly Mr. Lawrence in a police lineup, a law enforcement official said.

The search warrant for Mr. Lawrence's business at 3480 Greenbriar Parkway sought "personal calendars, address and phone books, business records, computers and hardware belonging to Fred Tokars and Eddie Lawrence."

Mr. Tokars had filed the incorporation papers for Mr. Lawrence's businesses and both men have businesses at the Greenbriar office complex. Mr. Lawrence is also listed as the chief operating officer of Tokars Contract Management Inc., at another address, and Mr. Lawrence borrowed $70,000 from Mr. Tokars this year.

A Cobb detective said that Mr. Lawrence's office had been cleaned out since his arrest and that the search did not provide "anything that would shake the earth under our feet."

In their search, police found notes, a court summons, an overdrawn account notice, phone messages and records, according to the document.

Mr. Lawrence has told police that his computers were stolen since his arrest, said the detective. "But I didn't see any signs of break-in or any burglary reports," he said.

The detective said that police were at Mr. Lawrence's office Dec. 11 when he was first arrested on bad-check charges and again a few days later. He was released for two days before being arrested again on more bad-check charges.

Police, according to the affidavit, also were looking for a sawed-off .410-gauge shotgun and personal items of Mrs. Tokars, including a red purse stolen from her the night of the slaying.

The affidavit said that Mr. Lawrence had "approached a number of people inquiring about a hit man." One was a business associate who was offered $5,000, but who turned him down.

Rower later talked to Mr. Lawrence about the slaying "and has subsequently confessed to the murder," the affidavit says. "In Rower's confession he describe Lawrence's role as driver and physically participating in the murder."

Rower's lawyer, Edwin Marger, has said the confession was coerced from his client, who was alone with police for 12 hours after being arrested Dec. 23.

The following day, on Christmas Eve, Mr. Tokars was found semi-comatose in a motel room and taken to a Sarasota, Fla., hospital. The door to the room had been blocked by a chair and police said a suicide note was found.

"On Christmas Eve, I was in Florida with Sara's family and my two sons, Rick and Mike, where my family and I had spent Christmas vacation for years," Mr. Tokars said. "Sara wasn't there with us. Just last year, we had stayed at the same hotel.

"After drinking too much, I began to think of Sara and my two sons and became extremely depressed," he said. "Between the alcohol and excess pain medication that I took, I put my life in danger. I want to live for my children and my family."

THE SARA TOKARS SLAYING

A plea for peace and quiet

Media defend 'camping out' at Tokars home

By Bill Torpy
and Gerry Yandel
STAFF WRITERS

Choking back tears, Fredric Tokars on Thursday pleaded with the Atlanta news media to break their encampment in front of his home and stop dogging his every step.

"Every where I go I'm followed by cameras, by media people," Mr. Tokars said during his first public appearance since the attempted suicide on Christmas Eve. "I'm begging you just please leave us alone. Don't camp out in front of our house, don't camp out in front of anyone's house where my children live at."

The gaunt face of the Cobb County lawyer has dominated the lead spot on TV newscasts for weeks, and the Journal-Constitution has published at least 15 articles on the case, including seven on the front page. News teams trooped off to Florida when Mr. Tokars went to Sarasota for Christmas, and some have camped in front of his house since he returned to Cobb County this week.

"It's our job," said Randy Travis of WAGA-TV, Channel 5. "He may be mad because the journalism is aggressive. But it's the police calling him a suspect. Whether he likes it or not, we come along with that — all of our trucks and our cameras. It's a package deal."

Reporters said Mr. Tokars's refusal to answer questions



LOUIE FAVORITE / Staff

Fredric Tokars at his news conference Thursday: "I emphatically deny an involvement in Sara's murder, and even the suggestion that I may have been involved hurts me deeply."

Tokars addresses the media

Here is the text of a written statement Fredric Tokars distributed to the press Thursday.

On Nov. 29 of this year a tragic event took place which has altered my life and the lives of my two sons, Rick and Mike.

I never could have believed that I would have to stand here and defend myself against the innuendo and unsubstantiated allegations that have been in the media during the last month.

The murder of Sara is the most devastating event that has happened to me.

Not only was my wife taken from me but she was taken from my two sons, Rick and Mike.

I emphatically deny an involvement in Sara's murder and even the suggestion that I may have been involved hurts me deeply.

On Christmas Eve, I was in Sarasota with Sara's family and my two sons, Rick and Mike, where my family and I have spent

drawn to the Gwinnett County case of Haley Hardwick, the infant whose father finally confessed to killing her. After Kenny Hardwick's arrest, police freely admitted that they kept up a steady stream of interviews with the news media to tighten the pressure on their suspect.

Cobb County police have been characteristically silent on the Tokars case, except for agreeing that Mr. Tokars is a suspect and announcing they wanted him to take a lie detector test.

The chief of detectives, A.B. Allred, said there had been no attempt to manipulate the me-

feeding frenzy spawned by his wife's shotgun slaying. But the intense coverage drew an angry rebuke Thursday from Mr. Tokars's attorney, Jerry Froelich.

"They've asked 'when did you stop beating your wife' questions and don't care about the answer," Mr. Froelich said, vowing that he "will not allow the media to camp out in front of his house or harass my client like they have been doing."

TV news representatives said they did not believe such stakeouts violated anyone's privacy.

"We want to make sure if something happens with him, we want to be there to cover it," Mr. Travis said.

Dean Phillips, a Channel 11 reporter who came in for exceptionally strong criticism from Mr. Tokars's attorney, said the stakeout has a lot to do with merely getting video footage of Mr. Tokars.

"We're so limited and have so few pictures of Mr. Tokars, and we're a picture-driven business," Mr. Phillips said. "Who are we talking about? Let's see him. Let's hear him. We're not radio, we're not print, we're picture-driven. People get tired of seeing a still photograph."

Many in the media were circumspect about the Tokars coverage.

"It certainly is difficult to draw the line," said Wade Medlock, a veteran reporter for WGST news radio. "If I were in his shoes I'd feel harassed. I would not like reporters camped out in front of my house. But there's no doubt Mr. Tokars is a key figure in the case; he's been described so by the police."

Likewise, Channel 46 news director Jack Frazier indicated some sympathy for Mr. Tokars's appeal to be left alone. "I think a stakeout of a home is questionable; a stakeout of police headquarters is not," Mr. Frazier said. "I think it has to go back to the basic rule of being sensitive to individuals and being willing to ask yourself what you would tolerate and what you would not tolerate."

So intense has been the media coverage of the Tokars case that comparisons have been making these two arrests. The publicity kept the community aware of it and people just came forward," he said, refusing to elaborate.

During his appearance on Thursday, Mr. Tokars said the news coverage is harming him and his sons.

"My personal and business life has been closely scrutinized by the police and the media on a daily basis," he said. "The scrutiny and its effect on my family and children has been devastating. My children and I would like to go on with our normal lives. The media has made this impossible."

A count of headlines in The Atlanta Journal-Constitution showed that, in addition to the seven front-page articles, the Tokars case made the front of the Local News section nine times and was played inside the local section nine times.

"From the first, this case had elements that capture people's imagination," said John W. Walter Jr., the newspaper's managing editor. "The fact that it happened in front of her two boys is the prime factor. But from Day One, there was a mystery and intrigue about the case that justified all the attention."

Sara wasn't there with us. Just last year, [illegible] hotel where we were staying this year.

After drinking too much and after taking some back-pain medication, I be[illegible] to think of Sara and my two sons, Rick and Mike, and beca[illegible] extremely depressed.

I started to think of the lifestyle I was losing, not only my wife, but my whole lifestyle. Unfortunately, I did something to put my life in danger. I made a bad mistake. I want to live, for my children and my family.

My personal and business life has been closely scrutinized by the police and the media on a daily basis. This scrutiny and its impact on my family and children has been devastating.

My children and I need to go on with our normal lives. That has been impossible, so far.

Everywhere I go I'm followed by cameras, by media people. My children can't live a normal lifestyle under these circumstances. I'm begging you just to please leave us alone. Don't camp out in front of our house, don't camp out in front of anyone's house where my children are at. Let them develop a normal lifestyle. I'm eventually going to get over this, get through this, but it's going to be a lot harder on my children. So I'm begging you just to leave us alone. Allow the police to complete their investigation.

Faulty arrest warrant leaves Tokars confession in doubt

By Bill Torpy
and Mark Curriden
STAFF WRITERS

A faulty arrest warrant could cost prosecutors their strongest piece of evidence — a detailed confession — against two men charged with murdering Sara Tokars.

While both men remain in the Cobb County jail, a judge Tuesday declared their arrest warrants invalid. New warrants were issued three hours later by a different judge after some legal wrangling between prosecutors and defense attorneys.

Tuesday also produced the first public testimony from a Cobb County detective about how they tracked down Eddie Charles Lawrence and Curtis Alphonso Rower and charged them both with murder after Rower's sister and her boyfriend told police the suspect admitted to them that he shot Mrs. Tokars.

"The judge properly ruled the warrants were invalid," said attorney Bruce Harvey, who represents Mr. Lawrence, "and then the D.A. uses evidence illegally obtained from the first warrant to get a second warrant. That's unbelievable."

After senior Superior Court Judge Ralph Hicks threw out the original arrest warrants because he said they did not contain sufficient supporting evidence, defense attorneys said Rower's subsequent confession was the "fruit of a poisonous tree."

But Cobb District Attorney Tom Charron said that Rower's statement, in which he confessed to being the man who killed Mrs. Tokars and said that he did it at the instruction of Mr. Lawrence, is still admissible evidence because it was made prior to the arrest warrant being issued.

▶ Detective offers details of Tokars slaying suspect's confession. D1

AJC 1/6/93

Tokars: Hearing set for today

► Continued from B1

Mr. Tokars as a suspect, but he has not been arrested. Mr. Tokars, a well-known tax attorney, has vehemently denied any involvement in the crime.

'In possession' of shotgun

An affidavit to get a search warrant of Rower's house said that his sister, Toozdae Rower, "confirmed that her brother, Curtis Rower, had been in possession of a sawed-off shotgun on the morning after Mrs. Tokars' murder and that Curtis had in fact stated he was the man who committed the murder."

Ms. Rower was Mr. Lawrence's secretary for several weeks. Her boyfriend, Franklin Swinger, told police on Dec. 22 that he had been approached by Mr. Lawrence, who asked him to perform a killing for hire, according to the affidavit.

"Mr. Swinger refused but stated that Lawrence subsequently got another man named Curtis Rower to perform the killing," the affidavit states. Rower and Mr. Lawrence were arrested Dec. 23 and charged with murder, kidnapping and armed robbery.

Edwin Marger, attorney for Rower, said Mr. Swinger and Ms. Rower may have come forward with information to get some of the reward money offered in the case. Mr. Tokars has offered $25,000 and another fund, set up by Mrs. Tokars's friends, has more than that.

The affidavit also states that tests show that Mrs. Tokars was killed by a blast from a .410-gauge shotgun. The document states that Rower got the sawed-off shotgun from a man named Valvickiyor Zinanon and that Mr. Zinanon identified Rower as the man who obtained the shotgun

Tokars attorney fears authorities will make deal with slaying suspects

By Bill Torpy and Mark Curriden
STAFF WRITERS

The attorney representing Fredric Tokars said he is afraid Cobb County authorities will make a deal with one of the suspects charged in the murder of Sara Tokars to implicate his client.

Jerry Froelich — on the eve of a probable-cause hearing today, when Cobb authorities will release much of their evidence — said investigators "have had a fixation on my client from day one."

"And I will bet you right now that they will cut the deal of the century with Eddie Lawrence if they can get my client," said Mr. Froelich. "It's my greatest fear, that they will give away their case against Eddie Lawrence to get my client."

Mr. Lawrence, 28, a business associate and friend of Mr. Tokars, was arrested Dec. 23 along with Curtis Alphonso Rower, 22, and charged with kidnapping and murdering Mrs. Tokars. Cobb authorities have named

Please see TOKARS, B6 ►

Jane Hansen's column will resume shortly.

A confession

Another affidavit, used last week to get a warrant to search Mr. Lawrence's offices, said Rower confessed to being the gunman and he was hired by Mr. Lawrence, who drove the getaway car the night Mrs. Tokars was killed.

Mrs. Tokars, 39, and her two young sons were abducted by a gunman inside their east Cobb home after returning from a Thanksgiving vacation to Florida. The man ordered her back into her vehicle and killed her about a half-mile from her home with a shotgun blast to the back of the head. The boys escaped unharmed. They were unable to pick Rower from a police lineup last week.

Mr. Marger said testimony in today's probable-cause hearing will show the vehicle was not moving when Mrs. Tokars was shot.

According to the search warrant, police found Rower under a bed in his home. Mr. Marger said that Rower was under the influence of alcohol, cocaine and marijuana when he was arrested and "in no shape" to give police a confession.

"I have no idea if Mr. Tokars is guilty or innocent," said Mr. Marger. "My client has no evidence against him. I'm not saying he [Rower] was there or not there. He had no idea the woman who was murdered was Mrs. Tokars. My client did not know the name Tokars until after the murder."

LOCAL NEWS

The lottery
Miller, friends contributed to bolster vote
Page D2

The Big Chicken
Winds take bite out of landmark
Page D2

INDEX

Classified

In this section	D7
Main Street, Ga.	D2
Obituaries	D5



W.A. BRIDGES JR. / Staff

Defense attorney Bruce Harvey (left) whispers to his client, Eddie Lawrence, during Tuesday's hearing.

Detective details confession

Suspects struggled as Tokars killed, police say

By Mark Curriden and Bill Torpy
STAFF WRITERS

After Sara Tokars refused to turn her vehicle onto a secluded dead-end street, her two abductors wrestled over the shotgun pointed at her head, accidentally shooting her, one of the suspects allegedly told police.

Cobb County Detective Ron Hunton testified Tuesday that Curtis Alphonso Rower told police he was holding the sawed-off shotgun, but it went off when Eddie Charles Lawrence, the second man charged in the crime, wrestled for the gun.

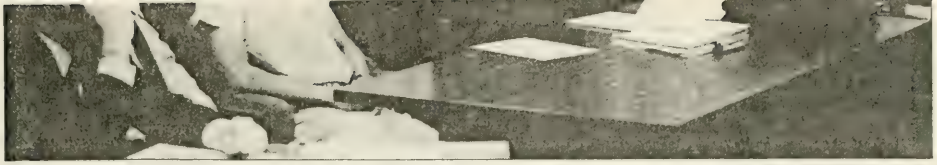
"She pulled the vehicle over to the right side of the road, and he opened the door to get out, Eddie Lawrence ran over to the side, a scuffle ensued over the shotgun, the shotgun went off and it shot Sara Tokars," Detective Hunton said.

But 6-year-old Ricky Tokars spoke of no struggle for the gun when telling police what he and his 4-year-old brother, Mike, saw as they sat in the vehicle when their mother was killed.

Tuesday's testimony was the first time authorities have publicly stated what went on inside Mrs. Tokars's Toyota 4Runner the night she was killed. Detective Hunton's statements came in a hearing to issue new arrest warrants against Rower and Mr. Lawrence minutes after another judge threw out the original warrants.

The strange day of legal

Please see **TOKARS, D5** ▶



W A BRIDGES JR / Staff

Attorney Bruce Harvey (standing) points to his client, suspect Eddie Lawrence, at Tuesday's hearing. Suspect Curtis Alphonso Rower (right) sits next to his attorney, Edwin Marger.

Tokars: Confession in dispute

► Continued from D1

maneuvering started in the courtroom of Superior Court Judge Ralph Hicks, who ruled that the original warrants were ed because they did not contain sufficient evidence to determine that the two men committed the crime.

"Neither affidavit indicates that the detective personally witnessed any of the evidence or spoke with any personal knowledge of the matters," said Judge Hicks. "This court must and does find that these criminal arrest warrants are invalid."

Judge Hicks said police should have stated more specifically in their written request for the warrant where the evidence they had obtained came from and how it ended up coming to the attention of police.

Instead, detectives who had been working on the case for 48 hours straight when the arrests were made listed only a few details about what they believe happened Nov. 29.

In a second hearing Tuesday, Edwin Marger, attorney for Rower, said his client's confession should be thrown out because it's the "fruit of a poisonous tree."

"I'd move for the exclusion of any information obtained by way of the invalid arrest, for example, the much ballyhooed statement of my client," said Mr. Marger. "It's patently inadmissible as evidence."

Bruce Harvey, attorney for Mr. Lawrence, who allegedly hired Rower to kill Mrs. Tokars, said that his client should be set free.

"He's been arrested illegally," said Mr. Harvey, who stomped out of the hearing after being told he could not cross-ex-



W A BRIDGES JR / Staff

Therese Ambrusko, sister of slaying victim Sara Tokars, wipes a tear during the hearing.

you to say, 'Hey this warrant is illegal, he goes free,'" he told Cobb Chief Magistrate James Bodiford.

However, Cobb District Attorney Tom Charron said the dismissal of the original warrants would not invalidate Rower's confession because it was made prior to the police obtaining the warrants.

"I think Judge Hicks's ruling was clearly erroneous and wrong," Mr. Charron said. With that, the prosecutor asked Judge Bodiford to issue new arrest warrants.

Judge Bodiford agreed and issued the new arrest warrants after Detective Hunton's testimony, much of which came from Rower's confession.

About 150 people packed the courtroom, including Therese and Krissy Ambrusko, Mrs. Tokars's sisters, and Jerry Froelich, attorney for Fredric Tokars, the victim's husband. Police say Mr. Tokars is a suspect in the

In laying out the rest of their evidence to support a warrant, Detective Hunton said that Rower's sister and her boyfriend told police that they had seen Rower with a sawed-off .410-gauge shotgun and that he had admitted to the killing.

Detective Hunton said Franklin Swinger, the boyfriend, told police that on the morning after the killing Rower "was very excited, acting paranoid. He said, 'Turn the news on. Turn the news on.' A story came on about the murder and he said, 'We did it. We did it.'"

According to statements from Rower and Mr. Swinger, Mr. Lawrence drove Rower to the Tokarses's east Cobb home and the two entered through a sliding glass door about 7:30 p.m.

Mr. Swinger said Mr. Lawrence, a friend and business partner of Mr. Tokars, offered $5,000 to anyone who would kill Mrs. Tokars, Detective Hunton said.

Mrs. Tokars, 39, and her two children had returned home from a Thanksgiving vacation in Florida. Rower told police that he forced her back into the vehicle and forced her to drive off. She was killed about a half-mile away.

Detective Hunton said Rower was under his bed when he was arrested on a warrant for parole violation at 7 a.m., Dec. 23 in his College Park home. On the way back to Cobb, detectives stopped at a McDonald's drive-through to buy him a sausage biscuit and orange juice. He said that Rower was of "sound mind" when he gave his statement prior to police obtaining a murder-arrest warrant.

Mr. Marger has contended that Rower passed out after a night of drinking and

Tokars hires team to conduct probe

Group includes noted attorney, private detectives

By Bill Torpy
STAFF WRITER



Bobby Lee Cook
Noted attorney was hired as part of Fredric Tokars's legal team.

Fredric Tokars has put together a legal team, including two noted attorneys and a battery of private detectives, to conduct a parallel investigation to help avoid any legal entanglements that may come his way because of the slaying of his wife, Sara.

Bobby Lee Cook, who made much of his reputation as a top defense attorney in another sensational Cobb County murder case, has joined Jerry Froelich, who has represented Mr. Tokars since a week after the Nov. 29 shotgun slaying.

"I don't have a big ego, I'll take all the help I can get," said Mr. Froelich, who said he does not have enough time to devote himself entirely to this case.

"You are talking about two of the best defense lawyers in the South," said Bruce Harvey, who represents Eddie Charles Lawrence, one of two men charged in the killing. "Tokars has hired the filet mignon of the defense bar, compared to ground round," he said, pointing to himself.

Mr. Froelich contends that Mr. Tokars, who is a suspect in the slaying, had no role in his wife's death. They are conducting a separate investigation and amassing a legal team in case his client is arrested. "Any lawyer who waits until the hammer drops is a fool."

Police have a "fixation" on his client, said Mr. Froelich, and he fears they may make a deal with Mr. Lawrence to get Mr. Tokars. Mr. Lawrence, a business associate and friend of Mr. Tokars, allegedly hired Curtis Alphonso Rower to kill Mrs. Tokars. Police have testified that Rower has confessed.

Cobb Chief Detective A.B. Allred said the private detectives "have not interfered with our investigation. But if they do, we'll arrest them." He said he has seen families hire private detectives, "but only when a case hasn't been solved for a while. This one is only a month old, so in that light, this is unusual."

Mr. Froelich recently likened Cobb's investigation to the case of Warren and Rosina Matthews, two pathologists who were shot to death in their east Cobb home in 1971.

In the Matthews case, seven men were convicted on the testimony of Debbie Ann Kidd, who said she was with them when the slayings occurred. Mr. Cook solidified an almost legendary legal status when he and another attorney, Hylton Dupree, got the convictions thrown out when they proved that the state's star witness had been coached under hypnosis by a psychologist.

Mr. Froelich said that Cobb framed the suspects then and may do it again.

"I see some parallels in these cases; in fact, this one is even more publicized than the Matthews case," said Mr. DuPree, who practices in Marietta. "I don't blame Jerry for making the move. [Mr. Tokars] hasn't even been charged, but he's been convicted in the public's mind."

He said hiring Mr. Cook and private detectives is "a logical conclusion. You have a defendant who said he did it; he implicates another. It's like dominoes falling. Will another fall?"

Meanwhile, Mr. Harvey filed motions in Cobb Superior Court late Thursday that once again ask that the warrant against Mr. Lawrence be declared invalid.

"I think I have very solid legal reasoning behind making sure that Rower's confession cannot be used against my client," he said. In the statement, Rower said Mr. Lawrence offered him $5,000 to kill Mrs. Tokars.

Mr. Harvey also said he is asking that Cobb Chief Magistrate James Bodiford recuse himself from presiding at today's preliminary hearing.

"I am invoking a little-known, probably never-before-used law that allows me to ask that a panel of magistrates hear the evidence and decide if probable cause exists," Mr. Harvey said.

FORUM: THE MEDIA AND CRIME

Tokars case is reviving memories of Julie Love

Reporters should be wary of easy answers

Feeding frenzy: Sensational crime cases turn journalists into amateur detectives, and bad mistakes are often made along the way.

By Mark Pettit

I am asked the question at least once a day: "What do you think of the Tokars murder? Do you think he was behind it?"

It is a fair question. Not long ago I was one of those reporters fighting for the latest lead, trying to weave truth from strings of rumor.

Like most, I am suspicious of Fredric Tokars but I have tried to temper that suspicion with experience. I know that all is not what it seems when we are looking for the easy answer.

To reporters who are competing with police to solve the mystery, I offer a piece of history and advice: Be careful.

When Julie Love disappeared in July 1988, her case quickly became one of the most highly publicized stories in Georgia history. Her body would not be found for more than a year, and the search for her killer was intense. I witnessed firsthand the pressure on police.

I remember very well my first meeting with her boyfriend, Mark Kaplan. It was obvious that he wanted to look good for our interview. He carefully ran the fingers of his right hand through his strands of brown hair. Then he looked into the lens of the camera, using it as a makeshift mirror.

"OK, I'm ready," he said.

He pulled a chair from his kitchen set and positioned it in front of the foldout table holding two phones that made up "The Julie Love Hotline."

"That should make a good backdrop," he said.



Fredric Tokars (left) — like Mark Kaplan in the Julie Love murder case — is in the spotlight of a highly publicized slaying.

He seemed very depressed. He did not want to be interviewed, he said.

"I just don't think it'll do any good," he told me. "I just want to get on with my life."

Surprised at his reaction, I grilled every available source close to the Julie Love investigation. Two high-ranking sources implied that something was about to break in the case and that Mr. Kaplan was the prime suspect.

I took the news to my bosses.

"Kaplan's done an about-face," I said. "Now he doesn't want anything to do with the case. He must know the police are on him."

"Keep working," the news director said. "See what else you can get. We need somebody on the record."

Keep working I did. I even went so far as to write the script.

"That should make a good backdrop," he said.

Search was run like campaign

Mr. Kaplan ran the search for Ms. Love the way a spin doctor might run a political campaign. He energized a crowd at Piedmont Park, warning women in the audience they could just as easily be in Julie's predicament — out of gas and alone on what were once the safe streets of Buckhead.

All along I searched for some sign of inner emotion in him, a sign that he was human and about to break from the strain of his crusade.

It never revealed itself. Not once did I see him cry. If he found her, I wondered, would he list it prominently under the "EXPERIENCE" heading of his resume? A heartless question, perhaps, but they paid me to be skeptical.

Statistics show that 95 percent of murder victims knew the person who killed them. Gradually, I was becoming convinced that Julie Love was among that number.

And I wasn't alone. Behind the scenes, investigators were telling me that they, too, had serious suspicions about Mark Kaplan. Finally, they told me that he was under constant surveillance and would soon be brought in for questioning.

The one-year anniversary of Ms. Love's disappearance was nearing when I picked up the phone to call some of her relatives. A few agreed to talk on camera, hoping that any publicity might stir the memory or the conscience of someone who knew something.

Refusal fueled suspicions

One of my calls was to Mark Kaplan. But over the past few months, something had changed. His voice no longer carried the enthusiasm of the tireless searcher.

Mark Pettit, now a media consultant, is a former Channel 11 anchorman and reporter.

as to write the script.

Killer's girlfriend broke case

Thankfully, that script never made the air. Just days before my story would have led the evening news, the real murderer's girlfriend beat me to the headlines. Emmanuel Hammond soon became a household name.

I think back on the Julie Love case as a reminder that grieving people don't always act in the manner we think they should. It's not always a sign of guilt. Reporters must also remember that police investigators are human and, when necessary, will use the media to deflect criticism from themselves, even if it means casting suspicion on the innocent.

Under these conditions, speculation is rampant and mistakes are common.

The night police named the two suspects in Sara Tokars's murder, one TV station reported that three people had been arrested. The station named a man who hasn't been charged as the so-called "triggerman." Afterward, I saw no on-the-air apology, just the reporter saying that sources had given him "erroneous information."

Many will argue that all this comes with the turf, and that the public is insatiable for details in the Tokars case.

"What if Fred Tokars is telling the truth?" I recently asked a veteran journalist. "What if he had nothing to do with his wife's death? Isn't his life ruined?"

His answer was curt: "He lives in a shady, dark, screwed-up world. He hangs around scummy people. I don't see Fred Tokars as a victim."

I see Fredric Tokars as a symbol, both of what's right and wrong with the media, and I am troubled. Round-the-clock stakeouts lead to sensational news coverage; facts and evidence lead to the truth. I hope the former won't keep us from the latter.

Fredric Tokars may have been involved in his wife's murder. But if he wasn't, who will be responsible for having killed his good name?

News

METRO & GEORGIA IN BRIEF

Judge: Warrant valid in Tokars case

COBB COUNTY: A judge ruled Thursday that the arrest warrant issued against accused killer Eddie Lawrence is valid and that a confession by a co-defendant in the case could be used to charge Mr. Lawrence with the murder of Sara Tokars.

Superior Court Judge Watson White quickly dismissed defense attorney Bruce Harvey's contentions that an arrest warrant issued Jan. 5 in an unusual public arrest warrant hearing was invalid. In that hearing, an arrest warrant was issued against Mr. Lawrence after police told the court of a confession by alleged triggerman Curtis Rower that said Mr. Lawrence masterminded Mrs. Tokars's kidnapping and murder on Nov. 29.

The public arrest warrant hearing came minutes after another judge threw out the original arrest warrants — issued Dec. 23 — because they did not contain sufficient evidence.

Ryles revokes license of insurance firm

State Insurance Commissioner Tim Ryles revoked the license of Coastal States Life Insurance Co. Thursday after company executives declined his offer to enter a voluntary rehabilitation agreement.

The company was illegally operating from [illegible]

WASHINGTON: Earth-

Saturday, Jan. 16, 1993

B

The Atlanta Journal
The Atlanta Constitution

*****



JANE HANSEN

Tinseltown already on the Tokars trail

The story's shaping up nicely with all the makings of a blockbuster M-O-W, this Hollywood producer was saying. (That's Tinseltown talk for Movie of the Week.)

"What would be really great is if they find out the husband did it," she said Thursday from L.A. "Because it's rich people killing each other."

We were of course talking about the Fred and Sara Tokars mystery, that ubiquitous topic of conversation in Atlanta that has many of us theorizing and speculating and gaining new status if we can claim even the remotest connection to the couple.

In the court of public opinion, let's get honest, we have already pronounced Fred guilty of hiring a hit man to kill his wife. Of course, police have charged him with nothing. But much of the public seems convinced that at the very least, he's a dirtbag lawyer involved in cocaine money laundering. "I especially love if it has dirty attorneys," says Nancy Silverman, another Hollywood producer who makes and sells TV movies. You need a bad guy, she was saying, and a good guy (or gal) to root for, someone the audience can identify with.

In fact, we have a woman who was abducted from her home and fatally shot in front of her two little boys. Perhaps it is a sign of our times that even before the reality of this human tragedy is played out and justice rendered, we're casting Farrah Fawcett as Sara and devising an ending that would ensure its success in the ratings.

Better if she triumphs

"It would be better if you had a female victim that overcomes," says Wendell "Sonny" Rawls, who co-produced "The Betty Broderick Story" and its sequel for TV. "It's not as good if you have a female murder victim. It's better if she triumphs." In fact, he says, "the story would be a lot better if he were the victim and she was the perpetrator."

On the other hand, he says, there's real potential here. "If it develops that he has paid a hit man to kill his wife, that will be a pretty interesting story," says Sonny, a producer-screenwriter and former assistant managing editor at this newspaper.

What makes this a juicy tale are the cast of flashy characters, their lifestyles and the circumstances surrounding the crime. He's handsome, she's beautiful — a lawyer and his devoted wife and their seemingly storybook suburban life. But there's a dark side, an underbelly to our illusions, and stories spilling out daily have added to the intrigue.

We have shady business dealings and the unsolved murder of one of his partners. We have her talking divorce and telling a private investigator, "if anything happens to me," take these papers she stole to the police. And we have unanswered questions galore. Why did he come home early from Florida? Who disengaged the burglar alarm? And if hers was a contract killing, why were the children spared as witnesses?

Then we have the arrest of two suspects, Fred's subsequent suicide attempt, and now we meet Sara's family and, lo and behold, she has six beautiful blond sisters. And look at the lawyers. We have Bobby Lee Cook representing Tokars. "Matlock," for pity's sake.

"The more vegetables you add, the richer the stew," says Sonny. "But it's not soup yet." Not until there's a trial.

In the meantime, Hollywood hovers, waiting for the kill, or a conviction. Before the real mystery of Sara's murder is solved, her family already has received several offers for the story rights. The private investigator also has been approached by Hollywood, and our reporters covering the case have heard from five different companies.

True crime sells. Witness Amy Fisher. True misery also sells, especially when it rains down on the rich. Perhaps our obsession with this case stems from the assurance that dreams beyond our reach really aren't worth it. That's a nice house, but who wants to be suspected of killing his wife? It reinforces that our own circumstances aren't as bad as we thought.

But it also has to do with our need to feel safe. We look to TV with its black and white, right and wrong, to dramatize the differences between the Tokars family